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Transcript of Thomas Kelly

Date: July 14, 2020

Case: Coleman -v- City of Chicago, et al.; Fulton -v- Foley, et al.

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Transcript of Thomas Kelly

1 (1 to 4)

Conducted on July 14, 2020

1	UNITED STATES DISTRICT COURT	1	A P P E A R A N C E S
2	NORTHERN DISTRICT OF ILLINOIS	2	
3	EASTERN DIVISION	3	ON BEHALF OF THE PLAINTIFF DERRELL FULTON:
4	-----x	4	NICHOLAS CURRAN, ESQ.
5	DERRELL FULTON, a/k/a :	5	LAW OFFICES OF KATHLEEN T. ZELLNER
6	DARRYL FULTON, :	6	1901 BUTTERFIELD ROAD, SUITE 650
7	Plaintiffs, :	7	DOWNERS GROVE, ILLINOIS 60515
8	v. :	8	630-955-1212
9	CHICAGO POLICE OFFICER : Case No. 17-cv-8696	9	ON BEHALF OF THE PLAINTIFF COLEMAN:
10	WILLIAM FOLEY, et al., :	10	RUSSELL AINSWORTH, ESQ.
11	Defendants, :	11	RACHEL BRADY, ESQ.
12	-----x	12	LOEVY & LOEVY
13	(Caption continued on next page)	13	311 North Aberdeen, 3rd Floor
14		14	Chicago, Illinois 60607
15	Deposition of THOMAS KELLY	15	312-243-5900
16	Conducted Virtually	16	ON BEHALF OF THE DEFENDANT CHICAGO POLICE
17	Thursday, July 14, 2020	17	OFFICER WILLIAM FOLEY, et al.,
18	10:11 a.m.	18	ANDREW GRILL, ESQ.
19		19	BRITTANY JOHNSON, ESQ.
20		20	ROCK FUSCO & CONNELLY
21		21	321 NORTH CLARK STREET, SUITE 2200
22	Job No.: 308628	22	Chicago, Illinois
23	Pages: 1 - 189	23	312-494-1000
24	Reported by: Lucia R. Block, CSR	24	
1	(Caption continued from previous page)	2	
2	-----x	1	A P P E A R A N C E S (Continued)
3	NEVEST COLEMAN, :	2	
4	Plaintiff, :	3	ON BEHALF OF THE DEFENDANT CITY OF CHICAGO, et
5	v. :	4	al.,
6	Case No. 18-cv-998	5	LISA M. MEADOR, ESQ.
7	CITY OF CHICAGO, et :	6	THE SOTOS LAW FIRM, P.C.
8	al., :	7	141 WEST JACKSON, SUITE 1240A
9	Defendants. :	8	Chicago, Illinois
10	-----x	9	630-735-3313
11	Deposition of THOMAS KELLY, conducted	10	ON BEHALF OF THE COOK COUNTY STATE'S ATTORNEY's
12	virtually:	11	OFFICE
13		12	DAVID ADELMAN, ESQ.
14		13	RYAN GILLESPIE, ESQ.
15		14	KIMBERLY M. FOXX, COOK COUNTY STATE'S
16	PURSUANT TO NOTICE BEFORE LUCIA R. BLOCK, A	15	ATTORNEY
17	CERTIFIED SHORTHAND REPORTER AND A NOTARY PUBLIC	16	69 WEST WASHINGTON STREET
18	IN AND FOR THE STATE OF ILLINOIS.	17	Chicago, Illinois 60602
19		18	312-603-1880
20		19	
21		20	
22		21	
23		22	
24		23	
		24	

Transcript of Thomas Kelly

2 (5 to 8)

Conducted on July 14, 2020

C O N T E N T S		5	7
2 EXAMINATION OF THOMAS KELLY	PAGE		
3 Examination By Mr. Ainsworth	7	1 THOMAS KELLY,	
4 Examination By Mr. Curran	160	2 called as a witness herein, having been first duly	
5 Examination By Mr. Grill	169	3 sworn, was examined and testified as follows:	
6 Examination By Mr. Adelman	177	4 EXAMINATION	
7 Further Examination By Mr. Ainsworth	179	5 BY MR. AINSWORTH:	
8 Further Examination By Mr. Curran	181	6 Q Would you please state and spell your name	
9 Further Examination By Mr. Grill	185	7 for the record, sir.	
10		8 A My last name is Kelly, K-E-L-L-Y; my first	
11 E X H I B I T S		9 name is Thomas, T-H-O-M-A-S; my middle initial is	
12 (Attached to transcript.)		10 "F."	
13		11 Q And, sir, have you given a deposition	
14 KELLY DEPOSITION EXHIBITS	PAGE	12 before?	
15		13 A Yes, sir.	
16 Exhibit No. 1	46	14 Q How many times have you been deposed	
17 Exhibit No. 2	81	15 before?	
18 Exhibit No. 3	98	16 A I'm not sure.	
19 Exhibit No. 4	103	17 Q When was the last time you were deposed?	
20 Exhibit No. 5	108	18 A Over ten years ago.	
21 Exhibit No. 6	115	19 Q All right. Because it's been a while, I'm	
22 Exhibit No. 7	146	20 going to go over some of the rules; is that okay,	
23 Exhibit No. 8	150	21 sir?	
24		22 A Yes, sir.	
		23 Q The first thing I'm going to ask you to do	
		24 is --	
1	6	8	
2 P R O C E E D I N G S		1 MR. GRILL: Russell, before you get --	
3 THE REPORTER: Will counsel please		2 MR. AINSWORTH: -- to give your answers --	
4 stipulate that in lieu of formally swearing in the		3 MR. GRILL: -- too far -- let's just put	
5 witness, the reporter will instead ask the witness		4 the agreement on the record real quick, before you	
6 to acknowledge that their testimony will be true		5 get too far into it. I just don't want to	
7 under the penalties of perjury, that counsel will		6 interrupt you later, so...	
8 not object to the admissibility of the transcript		7 MR. AINSWORTH: You're -- you're kidding	
9 based on proceeding in this way, and that the		8 me, right?	
10 witness has verified that he is, in fact, Thomas		9 MR. GRILL: No. So you guys -- you and	
11 Kelly.		10 Mr. Moran had a discussion about the video	
12 THE WITNESS: Yes.		11 recording of this deposition.	
13 MR. AINSWORTH: Yes. On behalf of		12 It's our understanding that you're using	
14 Plaintiff Coleman, I agree.		13 your own Zoom account to record this deposition	
15 MR. CURRAN: On behalf of Plaintiff		14 and that the agreement that you and Mr. Moran	
16 Fulton, I agree.		15 reached was that the video recording of this	
17 MR. GRILL: On behalf of the Defendant		16 deposition will not be used by either party until	
18 officers, I agree.		17 Judge Harjani makes a decision as to its use in	
19 MR. ADELMAN: On behalf of the County		18 light of how it's being recorded, that it's not	
20 defendants, I agree.		19 being recorded on the account -- on an account	
21 MS. MEADOR: On behalf of the City, I		20 controlled by the court reporter's office.	
22 agree.		21 MR. AINSWORTH: You mean you're asking me	
23 (Witness sworn.)		22 to affirm what I agreed to in writing last night?	
24		23 That's what you're asking -- and that I	
		24 just con- -- affirmed to you --	

Transcript of Thomas Kelly

3 (9 to 12)

Conducted on July 14, 2020

	9		
1	MR. GRILL: I'm asking you -- I'm putting	1	Q And if you answer my question, I'll assume
2	on the record what the agreement was. That's all.	2	that you've understood my question as I've posed
3	If you -- if I've misstated something, go ahead	3	it. Fair?
4	and correct me, my understanding of what the	4	A Yes, sir.
5	agreement was.	5	Q Do you have any medical condition or are
6	MR. AINSWORTH: No. Let's proceed.	6	you taking any medication or do you have any
7	BY MR. AINSWORTH:	7	condition that would affect your ability to
8	Q Okay. So, Mr. Kelly, let's just go over	8	testify truthfully and accurately here today?
9	the rules, so --	9	A I had double bypass surgery in January
10	MR. GRILL: Did I misstate something,	10	10 of 2020. And I'm on several medications for that;
11	Russell?	11	however, there are no after effects that I'm aware
12	MR. AINSWORTH: No. I said you didn't	12	of.
13	misstate anything.	13	Q When you say there are no after effects
14	MR. GRILL: You just said "no." I didn't	14	that you're aware of, what are you referring to?
15	know if that was, no, that you were disagreeing	15	A Well, there's no shortness of breath.
16	16 with me or, no, that I misstated something.	16	There's no chest pain. That's my nonmedical
17	So thanks. Go ahead. I won't interrupt you.	17	observations of how I feel.
18	MR. AINSWORTH: Anyone else want to	18	Q Well, that's good to hear, sir. I
19	interject anything?	19	understand that's still a major procedure. And if
20	(No audible response.)	20	21 at any time during this deposition you need a
21	MR. AINSWORTH: Thank you.	21	break, please just alert us, and we'll accommodate
22	BY MR. AINSWORTH:	22	22 you; do you understand?
23	Q Mr. Kelly, and only Mr. Kelly, in these --	23	A Yes, sir.
24	in this proceeding, I'm going to ask you give a	24	Q All we ask is that you answer any question
	10		12
1	verbal answer, a yes or no if the question calls	1	that's pending before we break. Okay?
2	for it, rather than relying on a nod of the head	2	A Yes, sir.
3	or saying "uh-huh" or "uh-uh." Okay?	3	Q Do you have any difficulties with your
4	A I don't normally say "huh."	4	memory?
5	Q Well, I --	5	A No, sir.
6	A I --	6	Q Has anyone told you that you have
7	Q -- appreciate --	7	difficulties with your memory?
8	A I understand you, sir.	8	A No, sir.
9	Q Okay. And I'm going to ask you to wait	9	Q Are any of the medications that you're on
10	until I'm done with my question even if you know	10	10 affecting your ability to testify truthfully and
11	what my question will be before beginning your	11	11 accurately here today?
12	answer. All right?	12	A No, sir.
13	A Yes, sir.	13	Q Do you have any concern that either your
14	Q And I'll try and do the same to you and,	14	14 medical procedure that you had in January or any
15	15 that is, wait until you're done with your answer	15	15 other medical condition or medication that you're
16	16 before I begin my next question to make life	16	16 taking would affect your ability to testify
17	17 easier for the court reporter.	17	17 truthfully and accurately here today?
18	A I understand.	18	A No, sir.
19	Q All right. If you don't understand any of	19	Q Have you taken all of the medications that
20	20 my questions, please ask me to rephrase the	20	20 you were prescribed today?
21	21 question, reask the question, or, in some way,	21	A Yes, sir.
22	22 indicate to me that you do not understand my	22	Q Are there any -- is there anything that
23	23 question. Fair?	23	23 you're not taking that you think would --
24	A Yes, sir.	24	A Excuse me. Could I clarify that? I take

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4 (13 to 16)

Conducted on July 14, 2020

	13		15
1 one medication in the evening.		1 Q What were you doing for the military in	
2 Q Okay.		2 Vietnam?	
3 A I have morning medication and evening		3 A I worked in the G3, which is the	
4 medication.		4 operations and planning. The military assistance	
5 Q You have morning medication?		5 command in Vietnam was generally comprised of	
6 A I take some medication in the morning, and		6 officers, which I was not one, who would go out	
7 it's a statin for cholesterol. I take that --		7 with the ARVN, or the Army of the Republic of	
8 that you're supposed to take before you go to bed.		8 Vietnam, for about six months at a time. They'd	
9 Q All right. And you've taken your morning		9 go out in the field with them and advise them.	
10 medication today; is that right?		10 Normally, there was a team of -- a team that went	
11 A Yes, sir.		11 out with a particular group from the ARVN.	
12 Q Okay. I understand that you served in the		12 Q And would you conduct that work going out	
13 military; is that correct?		13 in the field?	
14 A Yes, sir.		14 A Oh, no, sir.	
15 Q How long did you serve?		15 Q No. So what was your role?	
16 A Three years.		16 A Basically, a clerk or an administrative	
17 Q You served in the Army; is that right?		17 assistant in the -- I worked for seven or eight	
18 A Yes, sir.		18 officers.	
19 Q And where did you serve?		19 Q And you had an honorable discharge; is	
20 A Do you want boot camp and the whole or		20 that correct?	
21 just the basic --		21 A Yes, sir.	
22 Q Give me --		22 Q What was your rank upon discharge?	
23 A -- the long-term assignment?		23 A Specialist 5 or E5.	
24 Q The -- the thumbnail sketch.		24 Q Are you a high school graduate?	
	14		16
1 A Okay. After boot camp and advanced		1 A Yes, sir.	
2 training, I served in Würzburg, Germany for		2 Q Where did you graduate high school from?	
3 approximately a year.		3 A Mendel Catholic College Prep.	
4 After that, in December of 1966, I was		4 Q And when did you graduate from high	
5 assigned to the military assistance command in		5 school?	
6 Vietnam, which is located in -- I don't recall the		6 A May or June of 1964.	
7 name, but it was near Biên Hòa, South Vietnam. It		7 Q Did you attend any post high school	
8 was probably in the Biên Hòa province.		8 educational institution?	
9 Q And how long did you serve there?		9 A I -- when I was in the police academy,	
10 A 12 months.		10 there were several compulsory college courses that	
11 Q And then where were you assigned?		11 were given to us. And within a year or so after	
12 A Fort Benjamin Harrison. And it's		12 being on the police department, it suddenly dawned	
13 Indianapolis, Indiana.		13 on me that if I went under the college bill, I	
14 Q Were you then discharged from the service		14 would get paid, so I just -- I took maybe -- I	
15 from --		15 would say I possibly have 12 to 16 hours of	
16 A Yes, sir, August -- August of 1967.		16 college. I have no idea what they were.	
17 Q Were you awarded any commendations or		17 Q Where did you accrue those college credits	
18 medals by the Army that were not similarly awarded		18 from?	
19 to each member of your -- the group that you were		19 A Loop College is -- to the best of my	
20 stationed with?		20 recollection.	
21 A I was awarded the Bronze Star but not for		21 Q And that was -- so you took some of them	
22 valor.		22 while you were at the academy and then some of	
23 Q What were you awarded the Bronze Star for?		23 them in the couple years after the academy?	
24 A Evidently they liked my work, what I did.		24 A I think it was a couple years. It wasn't	

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5 (17 to 20)

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	17		19
1	too long afterwards. And then the -- I can't	1	wealth management.
2	remember the time limit, but my time limit to	2	Q All right. I understand you joined the
3	participate expired. That was the end of that.	3	Chicago Police Department in 1969; is that
4	Q Did you ever pursue a degree?	4	correct?
5	A No, sir.	5	A Yes, sir.
6	Q And you never obtained a degree or	6	Q Did you attend the academy?
7	certificate from any post-high school educational	7	A Yes, sir.
8	institution; is that correct?	8	Q And did you attend the academy for the
9	A That's correct.	9	same amount of time that other people who joined
10	Q What did you do after you were discharged	10	10 the academy at the same time as you were there?
11	11 from the Army and before you started at the	11	A I don't believe so. Shortly -- when I
12	12 Chicago Police Department?	12	joined, it had been extended to seven months in
13	A I worked construction as a laborer for	13	the academy. I believe --
14	several months. I was laid off. And then I was a	14	Q Your cohort -- the people who joined at
15	bartender for about a year.	15	15 the same time as you also spent seven months in
16	Q Did you ever serve in the military police?	16	16 the academy; is that right?
17	A No, sir.	17	A Yes, sir.
18	Q Do you have family members who were police	18	Q Upon completion of your time at the
19	officers when you applied to be a member of the	19	academy, where were you assigned?
20	20 Chicago Police Department?	20	A The 9th District.
21	A Yes.	21	Q Where was that at the time?
22	Q How many?	22	A 35th and Lowell.
23	A Two.	23	Q Do you have any say in that assignment?
24	Q And who were they?	24	A Did I have any say?
	18		20
1	A One was my uncle, and the other was my	1	Q Yeah.
2	great uncle.	2	A No.
3	Q When you joined, where was your uncle	3	Q I didn't think so.
4	assigned?	4	How long did you remain in the 9th
5	A He was assigned to Area 3 youth division.	5	District?
6	Q Did you have other -- since you joined the	6	A About a year, I believe, maybe a little
7	force, did you have other members of your family	7	bit more.
8	also join the Chicago Police Department?	8	Q While you were in the 9th District, did
9	A No, sir.	9	you patrol in a marked squared car?
10	Q Are you married?	10	A Yes, sir.
11	A Yes, sir.	11	Q And you did that for the entire time you
12	Q How long have you been married?	12	were at the 9th District?
13	A 45 years.	13	A Yes, sir.
14	Q Congratulations. Do you have any	14	Q Where did you go after the 9th District?
15	children?	15	A Area 1 task force.
16	A Yes, I do.	16	Q What did you do at the Area 1 task force?
17	Q How many children do you have?	17	A Patrolled high-crime areas.
18	A Two.	18	Q Would you patrol in a marked squad car in
19	Q Do you have any grandchildren?	19	uniform?
20	A One.	20	A I would say 90 percent of the time.
21	Q Hopefully you'll be able to see your	21	Q What about the 10 percent of the time when
22	grandchild again soon.	22	22 you weren't patrolling in a marked squad car and
23	And in what fields do your children work?	23	23 uniform?
24	A One is in retail, and the other is in	24	A It would be soft clothing, casual clothing

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6 (21 to 24)

Conducted on July 14, 2020

	21	23
1 in an unmarked -- again, upon the availability,		1 (Technical difficulties. Reporter
2 generally, it was in an unmarked squad car.		2 clarification.)
3 Q Did you have to apply to be a member of		3 MS. MEADOR: I was just saying it was -- I
4 the Area 1 task force?		4 was trying to unmute myself. I'm trying to stay
5 A I went for an interview, yes, sir,		5 muted so it's quiet on my end. To the prior
6 expressed my desire to go there.		6 question, I object as to foundation. Sorry. I'll
7 Q Why did you have a desire to go to the		7 try and be faster.
8 Area 1 task force?		8 BY MR. AINSWORTH:
9 A I didn't care for the 9th District was the		9 Q Okay. Let me reask this question. Was
10 main reason. I also had a -- a friend who was		10 there any other --
11 assigned there.		11 A Could I ask you a question, sir? Could I
12 Q Why did you not care for the 9th District?		12 ask you a question?
13 A It was very, very slow.		13 Q I might not answer, but you can certainly
14 Q Not a lot of crime?		14 ask.
15 A There was crime, but I would say that most		15 A Who was -- who just spoke?
16 of it -- most of the assignments I had you -- you		16 Q That was Lisa Meador. She represents the
17 dealt with a lot of domestic issues.		17 City of Chicago.
18 Q How long were you assigned to the Area 1		18 A Okay. Thank you.
19 task force?		19 Q To your knowledge, was there any other
20 A Several years.		20 evidence suggesting that you had taken the missing
21 Q All right. What was your next assignment?		21 funds apart from the Polygraph results?
22 A The 3rd District.		22 A No.
23 Q In the time that you were at the Area 1		23 Q Do you know why you were asked to give a
24 task force, did your duties remain the same that		24 Polygraph exam?
	22	24
1 you described to us before?		1 A Yes, I do.
2 A Yes, sir.		2 Q Why?
3 Q And where was the 3rd District when you		3 A The complainant took a Polygraph exam.
4 were assigned there?		4 Q And so why does the fact that the
5 A 75th and Maryland.		5 complainant took a Polygraph exam suggest to you
6 Q Why did you transfer to the 3rd District?		6 that you were asked to take a Polygraph exam?
7 A It wasn't voluntary.		7 A He, apparently, to the best of my
8 Q Do you know why you were transferred from		8 recollection, passed the Polygraph, ergo, I
9 Area 1 task force to the 3rd District?		9 couldn't be telling the truth.
10 A I had been suspended from the police		10 Q I see. So were you and the other person
11 department, and I was reassigned as part of my		11 the only two people who could have taken the
12 punishment, in my opinion, to the 3rd District.		12 funds? Is that what you're saying?
13 Q And why were you suspended from the		13 A No, that's not what I'm saying, sir.
14 Chicago Police Department?		14 Would you like me to expand on it? I will.
15 A In a nutshell, there was an allegation of		15 Q Please do.
16 missing funds, and I failed the Polygraph exam.		16 A Myself and another officer were on our way
17 Q Were you telling the truth when you went		17 in at the end of our tour when we saw a gentleman
18 to the Polygraph?		18 coming not directly towards us, but he was coming
19 A Yes, sir, I was.		19 towards us the wrong way on a one-way street. It
20 Q But the powers that be credited the		20 was around 33rd and Michigan, I think.
21 Polygraph over your denial; is that correct?		21 Anyway, before we could stop him, he ran
22 A Yes, they did.		22 into a parked car. He -- we stopped. He got out,
23 Q Was there any other evidence against you		23 said he didn't feel well. So we laid him down --
24 apart from the --		24 we didn't physically lay him down, we told him to

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7 (25 to 28)

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27

1 **lay down in the back seat of our squad car.**
 2 **I then asked him for his identification.**
 3 **He handed me his wallet, I believe, with his**
 4 **driver's license. In those days traffic cars --**
 5 **personnel assigned to the traffic division would**
 6 **handle -- we did not handle traffic accidents. We**
 7 **called for a traffic car. A traffic car came. We**
 8 **told the traffic officer briefly what we had**
 9 **observed. We left and went home.**

10 Q And how was there then an allegation that
 11 you had taken money?

12 A **He made the allegation the next day, the**
 13 **person who was driving the car.**

14 Q I see. And they credited the civilian
 15 over your statement; is that fair to say?

16 A **That's very fair to say, yes, sir.**

17 Q And how long was your suspension?

18 A **30 days.**

19 Q Did you grieve that suspension?

20 A **I don't believe you could grieve -- this**
 21 **is back in the '70s. To the best of my**
 22 **recollection, I didn't, no.**

23 Q All right. Okay. For how long were you
 24 assigned to the 3rd District?

1 **to Area 1 gangs. And I don't remember the year.**

2 Q Did it become gangs in 1981? Does that
 3 sound familiar?

4 A **I don't know. I don't remember.**

5 Q All right. And then in 1987 you made
 6 detective; is that right?

7 A **Yes, sir.**

8 Q How many times did you sit for the -- did
 9 you -- were you promoted off the list?

10 A **Yes, I was.**

11 Q How many times did you sit for the
 12 detective exam?

13 A **Once.**

14 Q Then there is a list created based on the
 15 results of the exams that -- that you took?

16 A **In those days there was, yes, sir.**

17 Q And then you were promoted off the list of
 18 people who qualified based on the results of the
 19 exam; is that right?

20 A **Yes, sir.**

21 Q When you became a detective, did you go to
 22 detective school?

23 A **Yes, I did.**

24 Q What do you call it? I called it

26

28

1 A **Almost -- I think it was almost a year to**
 2 **the day.**
 3 Q And what was your next assignment?
 4 A **After the 3rd District, sir?**
 5 Q Yes.
 6 A **I went back to -- I believe it was -- it**
 7 **was the same assignment I had left, but I think**
 8 **the unit name had been changed to Area 1 special**
 9 **operations group.**

10 Q While you were at the 3rd District, were
 11 you assigned to patrol?

12 A **Yes, sir.**

13 Q Did you work in a -- did you work a beat
 14 in a marked squad car in uniform?

15 A **Yes, sir.**

16 Q And when you went back to Area 1, you had
 17 the same duties that you had previously at Area 1;
 18 is that right?

19 A **Yes, sir.**

20 Q And for how long did you serve in Area 1
 21 what you believe was special ops?

22 A **Just so I can clarify for you, possibly, I**
 23 **stayed there until, I believe it was, March**
 24 **of 1987; however, the name was changed once again**

1 "detective school." What did you call it?

2 A **That's fine. I don't know if there is a**
 3 **formal name. That's -- I know what you mean.**

4 Q How long was detective school?

5 A **Four or five weeks.**

6 Q And upon completion of the detective
 7 school, where were you assigned?

8 A **Area 1 violent crimes.**

9 Q Did you want to work at Area 1 violent
 10 crimes?

11 A **Yes, sir, I did.**

12 Q Why did you want to work at Area 1 violent
 13 crimes?

14 A **I was familiar with the area having worked**
 15 **in that -- that building for the majority of the**
 16 **prior time I had been on the police department.**
 17 **Again, I knew some people, some other detectives**
 18 **who had worked there, and they seemed to speak**
 19 **highly of the area.**

20 Q Did you know any detectives when you
 21 joined who were at Area 1 violent crimes? Sorry.

22 A **Yes, I knew some of them. Yes, sir.**

23 Q Who did you know?

24 A **In Area 1?**

Transcript of Thomas Kelly

8 (29 to 32)

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1 Q Yes.
 2 A **I knew Joe Murphy.**
 3 Q Anyone else you knew?
 4 A **Jim O'Leary.**
 5 Q Who else?
 6 A **Brian Regan.**
 7 Q Anyone else?
 8 A **Steve Glynn.**
 9 Q Anyone else?
 10 A **I knew a lot of them by sight having worked with them on prior occasions --**
 11 Q When you joined there -- sorry. Go ahead.
 13 A **No, I'm done. Go ahead.**
 14 Q When you joined Area 1, which watch were
 15 you assigned to?
 16 A **Initially, days.**
 17 Q When did it switch away from days?
 18 A **Maybe eight or nine months.**
 19 Q Was that by choice?
 20 A **To leave days?**
 21 Q Yeah.
 22 A **Yes, sir. Yes, sir.**
 23 Q Why did you want to leave days?
 24 A **I don't like days.**

30

1 Q Why didn't you like days?
 2 A **I just don't like anything about days. I never have.**
 4 Q What about days don't you like?
 5 A **I must be afraid of the sun, huh? No, I just don't care for it. I don't know how to explain it to you. I don't like -- I don't like days.**
 9 Q Is it -- is it the hours in that you have
 10 to -- you didn't like being -- having to be at
 11 work, you know, from 8:00 to 4:00 or 9:00 to 5:00,
 12 or was it something about the -- the activities
 13 that you conducted on the job during that time
 14 that you didn't like?
 15 A **I just found it to be long days. Eight hours would seem like 12 hours to me.**
 17 Q What was your preferred watch?
 18 A **Afternoons.**
 19 Q All right. And why did you like
 20 afternoons?
 21 A **Less traffic, more opportunities for overtime, more court time.**
 23 Q Why were there more opportunities for
 24 overtime?

31

1 A **A large majority of the violent crimes that we were assigned to handle would happen in the afternoon or evening hours, and there would be sometimes an extension of your tour of duty.**
 5 Q How would you get overtime, let's say, in the time frame 1994 while you were at Area 1?
 7 A **How would I -- how would I get assigned --**
 8 Q What did you have to do to get overtime?
 9 A **Be assigned to a task that could not be done in the prescribed amount of time or the -- not the prescribed amount of time, the time before my tour of duty would end.**
 13 Q And would you have to ask to get overtime?
 14 A **Yes.**
 15 Q Who would you have to ask to get overtime?
 16 A **You would inform whoever had originally given you the assignment that you were still on the assignment.**
 19 Q Would they have to sign something to, you
 20 know, denote that you were entitled to overtime
 21 for that task?
 22 A **They would sign a time-due slip, or the supervisor who had relieved whoever was working that watch would sign it upon the completion of my**

32

1 **tour of duty.**
 2 Q And what if the sergeant, or whomever gave
 3 you the assignment in the beginning, was no longer
 4 on -- you know, working at the time that you were
 5 assigned to do overtime, who would you ask?
 6 A **There were supervisors, at a minimum of a sergeant, on all three watches.**
 8 I would let the -- if it was midnights,
 9 which it would be probably, the afternoon sergeant
 10 would tell the midnight sergeant Kelly, and
 11 whoever, are still out on a murder, we'll say, for
 12 example, and he would be aware of it.
 13 Q And you also said there's more
 14 availability for court time? Did you say that?
 15 A **You would be going on your own time, your own off time.**
 17 Q To court. And you would be compensated
 18 for that time in court?
 19 A **Yes, sir.**
 20 Q And so would court time be overtime if you
 21 were attending court on your own time?
 22 A **Yes.**
 23 Q When you were first assigned to Area 1,
 24 were you assigned a regular partner?

Transcript of Thomas Kelly

9 (33 to 36)

Conducted on July 14, 2020

	33		35
1	A No.	1	A That's it, to the best of my recollection.
2	Q For how long did you go without a regular	2	Q Were you at Area 1 until your retirement?
3	partner at Area 1?	3	A Yes, sir.
4	A Maybe five to six weeks.	4	Q And did you serve in Area 1 violent crimes
5	Q And then were you assigned to a partner?	5	from 1987 until your retirement?
6	A Yes.	6	A Yes, sir.
7	Q Who were you assigned to have as a	7	Q When did you retire?
8	partner?	8	A June 29th of 2009.
9	A That was Jim Ward, W-A-R-D.	9	Q Since your retirement have you had any
10	Q How long were you and Jim Ward partners?	10	employment?
11	A I don't recall. Several years.	11	A No, sir.
12	Q So he switched to afternoons with you?	12	Q Do you intend to have any employment?
13	A For a while, yes.	13	A Hopefully not.
14	Q Who was your next partner after Jim Ward?	14	Q All right. How are you enjoying your --
15	A I believe it was Rich Paladino.	15	15 your retirement, sir?
16	Q For how long were you and Rich Paladino	16	MR. GRILL: Objection to form.
17	partnered?	17	If you understand that, go ahead and
18	A Again, several years.	18	18 answer.
19	Q Who was your partner after Rich Paladino?	19	BY THE WITNESS:
20	A Then I believe it was -- I believe I might	20	A Just fine, thank you.
21	have gone back with Jim Ward for a while.	21	BY MR. AINSWORTH:
22	Q There were a couple of Paladinos at Area	22	Q All right. And you retired when you hit
23	1; is that right?	23	23 the mandatory retirement age; is that correct?
24	A No.	24	A Yes, sir.
	34		36
1	Q Just the one?	1	Q Did you receive any training while you
2	A Yes, sir.	2	were -- well, strike that.
3	Q And was Rich Paladino the Paladino who had	3	While you were at the academy, were you
4	served at Area 2 and then moved over to Area 1?	4	trained on how to take notes?
5	MR. GRILL: Objection to form of the	5	MR. GRILL: Objection to form.
6	question.	6	You can answer it if you understand the
7	(Reporter clarification.)	7	7 question.
8	MR. GRILL: Objection to form.	8	BY THE WITNESS:
9	BY MR. AINSWORTH:	9	A Can you kind of rephrase that a little
10	Q You can answer, sir.	10	bit, sir, please.
11	A Oh, I'm sorry. I'm sorry. I don't	11	BY MR. AINSWORTH:
12	believe --	12	Q Sure. Were you trained that it was
13	Q Do you recall the question?	13	important for police officers to take notes
14	A No, I remember.	14	14 because you might make a lot of arrests in a year,
15	I don't believe Rich Paladino ever worked	15	15 and you might not remember what happened without
16	at Area 2. I could be mistaken.	16	16 the aid of your notes?
17	Q All right. What other partners did you	17	MR. GRILL: Objection to form.
18	have?	18	MS. MEADOR: Join. That's Lisa Meador.
19	A Jim Riley. Do you want me to spell it,	19	Join.
20	sir, or no?	20	MR. GRILL: You can answer if you
21	Q That's okay.	21	understand the question. Go ahead.
22	Who else?	22	BY THE WITNESS:
23	A Roger Murphy.	23	A I think I was always aware that notes were
24	Q Who else?	24	important before that time, sir.

Transcript of Thomas Kelly

10 (37 to 40)

Conducted on July 14, 2020

	37		39
1 BY MR. AINSWORTH:		1 to question them, and they could either answer or	
2 Q All right. Did the police department of		2 not answer.	
3 the academy train you that paperwork was an		3 I would also tell them broadly why they	
4 important part of a police officer's job?		4 were under arrest.	
5 A Yes, sir.		5 Q When you interrogated a suspect, would you	
6 Q And is paperwork an important part of a		6 assume that the suspect was guilty?	
7 police officer's job?		7 A No.	
8 A Yes, sir, it is.		8 Q When you interrogated a suspect, would you	
9 Q While you were at the academy, were you		9 suggest reasons why committing the crime would be	
10 trained on how to interview witnesses?		10 less reprehensible --	
11 A This is in the detective portion of it or		11 MR. GRILL: Objection --	
12 no?		12 BY MR. AINSWORTH:	
13 Q Just the academy, back in '69.		13 Q -- such as that they were pressured to do	
14 A I don't specifically recall.		14 it or the suspect had good reason to do it or the	
15 Q How about in detective school, were you		15 suspect, you know, acted in haste or something	
16 trained on how to interview witnesses?		16 like that?	
17 A Again, I don't specifically recall.		17 MR. GRILL: Hang on.	
18 Q I'm not asking you for what you were		18 Objection --	
19 trained but just were you trained on how to		19 MS. MEADOR: Lisa Meador. Objection to	
20 interview witnesses?		20 form.	
21 A I don't remember.		21 MR. GRILL: Yeah.	
22 MR. GRILL: In the detectives'...		22 (Reporter clarification.)	
23 MR. AINSWORTH: Yeah, in the detective		23 MR. GRILL: Same objection.	
24 school.		24 Go ahead if you can --	
	38		40
1 BY MR. AINSWORTH:		1 BY THE WITNESS:	
2 Q Were you trained on how to interrogate		2 A No, sir.	
3 suspects while you were at the detective school?		3 BY MR. AINSWORTH:	
4 A Possibly.		4 Q How would you interrogate suspects?	
5 Q Did you interrogate suspects during your		5 MR. GRILL: Objection; form.	
6 career at Area 1?		6 BY MR. AINSWORTH:	
7 A Yes, sir.		7 Q Like once you get to the point where	
8 Q What was your practice in interrogating		8 you're going to ask some questions, would you --	
9 suspects? How would you conduct an interrogation?		9 would you ask them leading questions and try to	
10 MR. GRILL: Objection; foundation.		10 get them to admit? Would you confront them with	
11 You can answer the question.		11 the evidence that you had? Would you just simply	
12 BY THE WITNESS:		12 ask them what happened? How would you conduct	
13 A Is the suspect under arrest, sir, at this		13 your interrogations?	
14 time or...		14 MR. GRILL: Objection; form. It's	
15 BY MR. AINSWORTH:		15 compound; foundation, as well.	
16 Q Yes, sir.		16 Go ahead if you can answer.	
17 A I would inform him of his rights. I would		17 BY THE WITNESS:	
18 read them from the preprinted form.		18 A I would start by asking them what	
19 After each individual right, I would ask		19 happened.	
20 him if he understood what I had just stated to him		20 BY MR. AINSWORTH:	
21 or read to him.		21 Q All right. And --	
22 At the conclusion of all the rights, after		22 A Or -- and -- and where they were,	
23 he had acknowledg- -- he or she had acknowledged each		23 possibly, at the time of the incident.	
24 of the rights, I would tell them I was now going		24 Q And were you aware, while you were a	

Transcript of Thomas Kelly

11 (41 to 44)

Conducted on July 14, 2020

	41		43
1		1	correct?
2		2	A That's correct.
3		3	Q And one way to gauge reliability of a
4		4	suspect's statement to you, a confession to you,
5		5	is to determine whether that confession contains
6		6	information that only the perpetrator would know,
7		7	right?
8		8	MR. GRILL: Objection; form, foundation,
9		9	incomplete hypothetical.
10		10	MR. ADELMAN: Join.
11		11	MS. MEADOR: Lisa Meador join, also.
12		12	THE WITNESS: Sir?
13		13	MR. AINSWORTH: Yes.
14		14	THE WITNESS: Who was that gentleman, if
15		15	you don't mind?
16		16	MR. AINSWORTH: That was David Adelman.
17		17	He represents Hal Garfinkel.
18		18	MR. ADELMAN: I'm an assistant State's
19		19	attorney.
20		20	THE WITNESS: Oh, okay. I'm sorry. I
21		21	didn't know who you were.
22		22	Could you repeat the question, sir,
23		23	please.
24		24	
	42		44
1		1	BY MR. AINSWORTH:
2		2	Q I'll try.
3		3	MR. GRILL: You could have it read back if
4		4	you want.
5		5	MR. AINSWORTH: No, it's okay.
6		6	BY MR. AINSWORTH:
7		7	Q You were trained, while you were a Chicago
8		8	police detective, that one way to gauge the
9		9	reliability of a suspect's statement was to not
10		10	reveal nonpublic crime scene facts to the suspect
11		11	and see if the suspect would provide details of
12		12	the crime that would only be known by the
13		13	perpetrator?
14		14	MR. GRILL: Form. Objection; form.
15		15	MR. ADELMAN: Join.
16		16	BY THE WITNESS:
17		17	A I would say that's a true statement, yes,
18		18	sir.
19		19	BY MR. AINSWORTH:
20		20	Q Because you wanted to know if -- if the
21		21	statement to you was -- was accurate and reliable
22		22	or if somebody was sending you on a wild goose
23		23	chase; fair to say?
24		24	A If someone told me that they had cut the

Transcript of Thomas Kelly

12 (45 to 48)

Conducted on July 14, 2020

45

1 victim's throat and the victim had been shot and
 2 the victim's throat was fine, I would think that
 3 would be an inconsistency, yes, sir.

4 Q Yeah. And so you would withhold certain
 5 nonpublic facts about the crime, such as whether
 6 the victim had been shot or stabbed, to find out
 7 what the suspect was going to say about the crime;
 8 is that fair to say?

9 A That's fair to say.

10 Q And that was part of your training at the
 11 Chicago Police Department; is that right, to
 12 conduct interrogations in that way?

13 MR. GRILL: Objection; form.

14 BY THE WITNESS:

15 A It may have been, it's just -- to me it's
 16 just common sense.

17 BY MR. AINSWORTH:

18 Q All right. Were you trained in how to
 19 testify?

20 MR. GRILL: Objection; form, foundation as
 21 well.

22 If you understand it, go ahead.

23 BY THE WITNESS:

24 A I would say minimally.

45

1 MS. MEADOR: Russell, can you give me the
 2 Bates range, please?

3 MR. AINSWORTH: It's City 2538 -- oh,
 4 sorry.

5 The first page is City 2530, and the last
 6 page is City 2540. And each of these pages has
 7 been e-mailed to counsel.

8 MS. MEADOR: This was part of the e-mail
 9 you sent right before the dep, Russell?

10 MR. AINSWORTH: This has been e-mailed to
 11 you, yes.

12 MS. MEADOR: Right. Just in the one you
 13 sent right before the dep, just for clarification.
 14 Thank you.

15 MR. AINSWORTH: Oh, you're trying to
 16 say -- I see. You're trying to say that it was
 17 sent shortly before the dep. That's what you want
 18 to put in the record; is that it?

19 MS. MEADOR: Well, because you seem to be
 20 intent on making some sort of inference that you
 21 sent it prior. I'm just clarifying as to the
 22 timing. We can --

23 MR. AINSWORTH: Sorry. I thought I did
 24 send it prior to the dep like -- I thought we were

47

1 BY MR. AINSWORTH:

2 Q All right. Well, let me show you a -- I'd
 3 like to --

4 A Could we back up for a second on that last
 5 answer --

6 Q Certainly.

7 A -- is that all right?

8 Q Yes.

9 A Not -- I don't believe in the police
 10 academy there was any specific testimony -- I
 11 mean, it's -- excuse me, any specific classes
 12 regarding testimony other than tell the truth.

13 Q Okay. Let me show you what we'll mark as
 14 Exhibit No. 1 to your deposition. I'm going to
 15 show it to you on the screen.

16 (Kelly Exhibit No. 1 was marked for
 17 identification.)

18 BY MR. AINSWORTH:

19 Q All right. So we'll mark this as Exhibit
 20 No. 1. This is labeled Exhibit Thomas Kelly
 21 training record.

22 A I see it, yes, sir.

23 Q All right. I'm going to direct your
 24 attention to Page 9 of this document.

46

1 saying the same thing, but...

2 BY MR. AINSWORTH:

3 Q Mr. Kelly --

4 A Yes, sir. I'm going to -- one second.

5 I...

6 (Brief pause.)

7 BY MR. AINSWORTH:

8 Q All right. Mr. Kelly?

9 A Yes, sir.

10 Q Looking -- you see where I've highlighted
 11 on Exhibit No. 1, Page 9, V109, "Courtroom
 12 Demeanor Credibility," there were two days of
 13 training? Do you see --

14 A Oh, I do see that. Yes, sir.

15 Q Okay. And then there was a third day of
 16 training down here where it says, "Courtroom
 17 Demeanor Getting Prepared"; do you see that, sir?

18 A Yes, sir, I do.

19 Q So on three different days you were
 20 provided training on courtroom demeanor; is that
 21 right?

22 A Someone may have read something at roll
 23 call, but this -- to the best of my recollection,
 24 this is not like an all-day course at the training

48

Transcript of Thomas Kelly

13 (49 to 52)

Conducted on July 14, 2020

49

51

1 **academy. You had to get --**

2 Q I wasn't suggest- -- go ahead, sir.

3 **A No, go ahead. I'm sorry.**4 Q I wasn't suggesting it was an all-day
5 training, but do you recall watching a video on
6 how to increase your credibility in court?7 **A No, I don't.**8 Q All right. What were your -- what was the
9 training that you were provided on how to appear
10 more credible in court?11 **A Other than telling the truth and speak up**
12 **so people can hear you. I -- I don't know if**
13 **there's an inference there that -- I just don't**
14 **like the way you phrased the question. I know**
15 **that's my problem, but...**16 Q What don't you like about the way I
17 phrased the question, sir?18 **A Well --**19 MR. GRILL: Objection; argumentative.
20 Just ask him another question.

21 BY MR. AINSWORTH:

22 Q You can answer, sir.

23 MR. GRILL: It's argumentative.

24

50

52

1 BY MR. AINSWORTH:

2 Q You can answer the question.

3 MR. GRILL: Do you understand the
4 question --

5 THE WITNESS: Yes. My --

6 MR. GRILL: -- or do you want him to ask
7 you another question?

8 BY THE WITNESS:

9 **A Ask me another question.**10 MR. AINSWORTH: No. No. Mr. Grill, you
11 cannot do that. That is completely inappropriate,
12 and I will end this deposition -- or I'll pause
13 this deposition, and we will call the judge. You
14 cannot do that.

15 MR. GRILL: You're arguing --

16 MR. AINSWORTH: I've asked a question.

17 You can make your -- I'm speaking.

18 You can make your objection. You can note
19 it for the record. If you're directing him not to
20 answer because you're asserting a privilege, then
21 please do so, otherwise simply state your
22 objection --23 MR. GRILL: You asked him -- you asked him
24 an argumentative question.1 MR. AINSWORTH: So you're saying that --
2 then are you saying that you're directing him not
3 to answer because, if so --4 MR. GRILL: No, I haven't said anything
5 like that, Russell, and the record
6 is explicable --

7 MR. AINSWORTH: All right. Then --

8 MR. GRILL: -- clear about that.

9 MR. AINSWORTH: -- then let's -- let's
10 proceed.11 MR. GRILL: So quit it. Just ask him a
12 question. You're arguing with him. That's the
13 problem.14 MR. AINSWORTH: Mr. Grill, please just
15 state your objection succinctly for the record,
16 and I will ask this question of Mr. Kelly.

17 BY MR. AINSWORTH:

18 Q Mr. Kelly, what didn't you like about the
19 way that I was phrasing the question?

20 MR. GRILL: Same objections.

21 BY THE WITNESS:

22 **A I think there's an inference the way you**
23 **asked the question. I don't know how -- I got the**
24 **inference that there was some kind of training**1 **here how to make yourself more credible, and my**
2 **only problem with that is the credibility is to**
3 **tell the truth --**

4 BY MR. AINSWORTH:

5 Q I see.

6 **A -- not go in there looking like you just**
7 **fell off of a -- a hay wagon. I mean, that's part**
8 **of your demeanor, my demeanor anyway.**9 Q All right. Well, on those -- those two
10 different -- I'm pointing you again to Exhibit
11 No. 1, Page 9 where it refers to two different
12 trainings on two different days entitled,
13 "Courtroom Demeanor Credibility." And so I'm just
14 referring to the training that you received on
15 courtroom demeanor credibility on two different
16 days.17 What were you trained in how to be more
18 credible in court?

19 MR. GRILL: It's asked and answered --

20 MS. MEADOR: Objection, form.

21 MR. GRILL: Yeah.

22 BY THE WITNESS:

23 **A Sir, I don't even know if I was working**
24 **those two days.**

Transcript of Thomas Kelly

14 (53 to 56)

Conducted on July 14, 2020

	53		55
1 BY MR. AINSWORTH:		1 MR. GRILL: Objection; form, foundation.	
2 Q All right. Well, this is what the City		2 BY THE WITNESS:	
3 produced to us as your employee training record.		3 A Yes, I would look at the jury.	
4 That's -- that's your name at the top of the page		4 BY MR. AINSWORTH:	
5 where it says "Kelly, Thomas"; do you see that?		5 Q Why would you make eye contact with the	
6 A Sir, I'll -- I'll tell you right now. I		6 jury when you would testify?	
7 was on the police department for 40 years. I have		7 MR. GRILL: Objection; incomplete	
8 never seen a form like this before. I know it's a		8 hypothetical, form, and foundation.	
9 legitimate form, I'm not questioning that, but I		9 BY THE WITNESS:	
10 have no idea -- I had no idea there was such a		10 A I would say that it's common practice, if	
11 form.		11 you're addressing someone, to make eye contact	
12 Q And your appointment date was March 3,		12 with someone. I wouldn't sit up there and, you	
13 1969 --		13 know, put my head down and stare at my shoes.	
14 A Sir, I'm sure it's me. I -- I'm not		14 It's just common courtesy. You're speaking to	
15 arguing --		15 them.	
16 Q Okay.		16 BY MR. AINSWORTH:	
17 A -- that with you.		17 Q Well, you're speaking -- you're answering	
18 Q All right. So this is what the City has		18 questions from a State's attorney or -- or a	
19 represented to us is your -- is a record of the		19 defense counsel, right?	
20 trainings that you received. You were not in the		20 A Yes, but certainly the members of the jury	
21 practice of claiming to be at work when you		21 are the deciders eventually.	
22 weren't at work; is that right?		22 Q And you wanted the jury to listen to you,	
23 A No, sir.		23 right?	
24 Q Okay. So I'm just asking you, sir --		24 A Yes, I did.	
	54		56
1 A Sir, I --		1 Q You wanted the jury to find you credible,	
2 Q Well, let me ask this way --		2 correct?	
3 A All I can tell you is I don't -- I've		3 A That would be up to the jury.	
4 already answered the question, to the best of my		4 Q But you wanted them to find you credible,	
5 ability.		5 correct?	
6 Q Well, let me ask you a new question: Were		6 A I was credible.	
7 you trained to look at the jury as a way of		7 Q I understand that, sir, I'm just asking	
8 appearing more credible?		8 you that you wanted the jury to find you credible,	
9 MR. GRILL: Objection --		9 correct?	
10 MS. MEADOR: Objection; form.		10 MS. MEADOR: Objection; asked and	
11 MR. GRILL: Thank you. Asked and		11 answered.	
12 answered, too.		12 BY MR. AINSWORTH:	
13 BY MR. AINSWORTH:		13 Q Is that correct, sir?	
14 Q You can answer, sir.		14 A Yes.	
15 A I don't believe I ever received any		15 Q All right. And then on the next page,	
16 training from the police department regarding		16 Page 10, you see that there's yet another training	
17 that. I would say, in preparation for any jury		17 on courtroom demeanor credibility; do you see	
18 trial where I would testify, a State's attorney		18 that?	
19 would, generally speaking, remind you to make some		19 A Yes, sir. Could -- could we go back to	
20 eye contact at a minimum with the members of the		20 the prior -- whatever it was, V...	
21 jury.		21 Q Yeah.	
22 Q And is that what you would do when you		22 A All right. Here, sir, on --	
23 were -- would testify, to make eye contact with		23 Q And we're looking --	
24 the jury?		24 MR. AINSWORTH: Just for the record we're	

Transcript of Thomas Kelly

15 (57 to 60)

Conducted on July 14, 2020

	57		59
1 looking at Page 9 of Exhibit 1.		1 MR. GRILL: Objection --	
2 BY MR. AINSWORTH:		2 MS. MEADOR: Objection; form, founda- --	
3 Q Go ahead, sir.		3 (Reporter clarification.)	
4 A Yes, sir. On V159 on the 15th of November		4 MS. MEADOR: Go ahead, Andrew.	
5 2004, it states that I had a training on diversity		5 MR. GRILL: Objection; form,	
6 regarding Hinduism. I certainly have no		6 mischaracterizes his testimony.	
7 recollection of that, and it is on my permanent		7 MS. MEADOR: I'll object to form and	
8 training record.		8 foundation.	
9 Q All right. So you have --		9 BY MR. AINSWORTH:	
10 A That's just a point of clarification for		10 Q You can answer the question, sir.	
11 me.		11 A Could you run it by me one more time,	
12 Q All right. So you have no recollection of		12 please.	
13 ever being trained on diversity Hinduism, is that		13 Q Sure. Are you saying that some Chicago	
14 right, by the Chicago Police Department?		14 police records are accurate and some Chicago	
15 A That's correct.		15 police records are inaccurate?	
16 Q Do you think that -- are you trying to		16 MS. MEADOR: Same objection.	
17 communicate that because you don't recall it you		17 MR. GRILL: Join.	
18 believe that you were never trained on diversity		18 BY THE WITNESS:	
19 Hinduism?		19 A All I'm saying is that all of the training	
20 A Yes, I never was that I recall.		20 listed here was not necessarily given or read in	
21 Q And, thus, you believe you were never		21 my presence, even though I may have been working	
22 trained on courtroom demeanor credibility; is that		22 that day.	
23 right?		23 BY MR. AINSWORTH:	
24 A I'm not saying that. I'm just saying I		24 Q And you said that you believe that the	
1 don't recall it.	58	1 record might be inaccurate because of your	60
2 Q Okay. And do you -- are you saying that		2 experience with 40 years on the police force. And	
3 you believe the City of Chicago's records		3 I'm trying to find out what it was about your	
4 regarding the training that you provi -- you were		4 experience with the Chicago police force that	
5 provided are inaccurate?		5 leads you to believe that the Chicago Police	
6 A I think that's quite a possibility, yes,		6 Department's record of the training you were	
7 sir.		7 provided might be inaccurate?	
8 Q Why do you believe it's a possibility that		8 A Because I look at this, and I certainly	
9 your training record kept and provided by the City		9 don't remember some of it. Now, I may have gotten	
10 of Chicago Police Department is inaccurate?		10 it, but I don't remember it.	
11 A 40 years of being a Chicago policeman...		11 Q All right. So, I guess, this is one of	
12 Q All right. So --		12 the situations where it might be a lapse in	
13 A (Continuing) ... not everything is		13 memory, right?	
14 accurate.		14 A Well, I don't remember too much about 1971	
15 Q So, in your experience as a Chicago police		15 regarding training. No, I don't.	
16 officer, police records have often been found		16 Q Well, I'm not talking about 1971. To be	
17 inaccurate; is that what you're saying?		17 clear, this training was provided in 2004, right?	
18 A No, that's not what I'm saying.		18 A Yes, sir.	
19 MS. MEADOR: Objection; form.		19 Sir, I'm on a water pill. Can I take a	
20 MR. GRILL: Join.		20 break, if you don't mind?	
21 BY MR. AINSWORTH:		21 MR. AINSWORTH: Certainly.	
22 Q All right. So are you saying that certain		22 THE WITNESS: Thank you.	
23 police records are accurate and other police		23 MR. AINSWORTH: Let's go off the record.	
24 records are not accurate?		24 (Short recess.)	

Transcript of Thomas Kelly

16 (61 to 64)

Conducted on July 14, 2020

	61		63
1	MR. AINSWORTH: Let's go back on the	1	turning back to Exhibit 1, it appears in this
2	record.	2	record that you were provided an in-service
3	BY MR. AINSWORTH:	3	detective homicide seminar on March 8, 1991; do
4	Q Mr. Kelly, did you have experience with	4	you see that, sir?
5	Chicago police records being unreliable?	5	A Yes, sir.
6	MS. MEADOR: Objection to form.	6	Q Do you recall that training on -- a
7	MR. GRILL: Join.	7	homicide seminar?
8	BY THE WITNESS:	8	A No, I don't.
9	A No, sir.	9	Q Do you know what you were trained with
10	BY MR. AINSWORTH:	10	regard to how to investigate homicides in that
11	Q So you think it would be a -- an	11	training in March of 1991?
12	aberration for this particular document,	12	A No, sir.
13	Exhibit 1, to be inaccurate; is that what you're	13	Q Were you trained to investigate homicides
14	saying?	14	any differently from any other crime?
15	MS. MEADOR: Objection; form,	15	A Yes, I would say so.
16	mischaracterizes the witness's testimony.	16	Q How were you trained to investigate
17	MR. GRILL: Join.	17	homicides differently from other crimes?
18	BY THE WITNESS:	18	A Well, certainly the protection of the
19	A It may be.	19	crime scene, all evidence, as opposed to a
20	BY MR. AINSWORTH:	20	shoplifter.
21	Q When you were a detective, would you	21	Q Okay. So more vigorous collection of
22	send -- would you send suspects to take Polygraph	22	evidence and protection of evidence; is that fair
23	exams?	23	23 to say?
24	A After they agreed to take the exam, yes,	24	MS. MEADOR: Objection as to form.
	62		64
1	sir.	1	BY THE WITNESS:
2	Q So you would offer them to take a	2	A Generally -- generally, there's more
3	Polygraph exam, correct?	3	evidence to collect or process than a shoplifting.
4	A Not all. Some, yes, sir.	4	BY MR. AINSWORTH:
5	Q Some. You thought it was a helpful	5	Q All right. How else were you trained to
6	investigative tool; is that right?	6	investigate a homicide differently from other
7	A Yes, sir.	7	types of crimes?
8	Q And why did you think it was a helpful	8	MR. GRILL: Objection; form.
9	investigative tool to give somebody a Polygraph	9	BY THE WITNESS:
10	exam?	10	A There was a -- when I arrived in Area 1
11	11 violent crimes, I was given a -- I think it's	11	12 about a two-page outline of requirements for the
12	13 reports or categories, such as evidence,	12	14 witnesses, et cetera, the victim.
13	15 BY MR. AINSWORTH:	13	
14	Q And so interrogations you would confront	14	Q And what about that two-page resource you
15	witnesses with evidence; is that right?	15	were provided?
16	A Yes.	16	A It's an outline. It's what the powers to
17	Q And see how they would respond, correct?	17	19 be -- other than the body of the investigation
18	A Yes, sir.	18	20 itself, it's certain information that, if it was
19	Q All right. When you worked Gang Crime	19	21 available, was required to go into a preliminary
20	South, were you assigned to a particular gang?	20	22 report, preliminary supplementary.
21	A No. There were gang -- gang specialists,	21	Q What was that document called?
22	22 and it was just a regular force of patrol	22	A I have no idea. It's not an official
23	23 officers. I was not a gang specialist.		
24	Q I see. Okay. I wanted to ask you,		

Transcript of Thomas Kelly

17 (65 to 68)

Conducted on July 14, 2020

65

1 **document. It's a working --**

2 Q Who provided it?

3 **A Somebody in Area 1. I don't recall, sir.**

4 Q And how did that document tell you to

5 investigate homicides differently from other

6 crimes?

7 **A I thought -- the document didn't tell me**
8 **how to investigate it. The document told me what**
9 **was required in garnering basic information, and**
10 **there was more information that would be required**
11 **on a regular -- a normal case report.**12 Q What was -- what was required or suggested
13 by that document that would be more than what was
14 required on a report for a different type of
15 crime?16 **A As much detailed information on the**
17 **victim, contact information on the victim; the**
18 **medical examiner's number on the victim; the**
19 **apparent -- to our -- with my untrained eye, the**
20 **apparent injuries; if there was an offender either**
21 **in custody or a description of a wanted offender**
22 **or offenders, that would also be in there; if a**
23 **State's attorney was notified if there was someone**
24 **in custody; as much possible witness information**

66

1 **as you could get for contact points; places of**
2 **employment, et cetera, so that you could reach out**
3 **for them four years down the road and hopefully**
4 **contact them; personnel assigned, the crime lab**
5 **personnel; what evidence the crime lab recovered.**6 **It's just more -- it's more detailed than**
7 **a normal, we'll say, theft report.**8 Q In 1987 you received a commendation from
9 the department for identifying a rental car that
10 had been stolen; do you recall that incident?11 **A Not specifically, no.**12 Q Do you recall the Antwinica Bridgeman
13 murder investigation?14 **A No.**15 Q What did you do to prepare for this
16 deposition?17 MR. GRILL: Object to that question to the
18 extent it touches on anything you and I talked
19 about. You can answer that question, but leave
20 out, in your answer, anything you and I discussed.

21 BY MR. AINSWORTH:

22 Q And let me withdraw that question because
23 that's a fair point by Counsel.

24 Did you -- not telling me what was said,

67

1 but did you meet with anyone to prepare for your
2 deposition?3 **A Yes, I did.**

4 Q Who did you meet with?

5 **A My two attorneys down here, my two fine**
6 **attorneys, sir.**7 Q All right. I'm going to assume that's
8 Mr. Grill and Mr. Moran; is that -- is that
9 correct?10 **A That's correct, yes, sir.**

11 Q Was anyone else present for that meeting?

12 **A No, sir.**

13 Q And was that meeting in person or virtual?

14 **A In person.**15 Q All right. Did you meet at the Rock Fusco
16 office?17 **A Yes, I did.**18 Q For how long was that meeting? And,
19 again, not what was said but just how long it was?20 **A Several hours.**

21 Q More than three hours?

22 **A Yes, sir, I think it was.**

23 Q And when did you meet?

24 **A Yesterday, the 13th of July.**

68

1 Q Okay. Did you meet with your attorneys to
2 prepare for a deposition prior to that?3 **A No, sir.**4 Q What documents did you review in
5 preparation for your deposition?6 **A The GPR that I had prepared regarding the**
7 **interview with Mr. Coleman.**

8 Q Did you review any other documents?

9 **A No, I did not.**

10 Q Did you review any photographs?

11 **A No, I did not.**

12 Q Did you review any -- any supp reports?

13 **A No, I did not.**14 Q Do you know if your name is on any supp
15 reports in this case, the Antwinica Bridgeman
16 investigation case?17 **A I -- I have no idea who that is.**18 Q Well, the case that you've been sued on,
19 sir, do you know if your name is on any of the
20 supp reports in that case?21 **A I don't know.**22 Q Did you review any transcripts of
23 testimony in this case?24 **A No, I did not.**

Transcript of Thomas Kelly

18 (69 to 72)

Conducted on July 14, 2020

69

71

1 Q Did you talk with anyone apart from your
2 attorneys about your deposition?

3 **A No, I did not.**

4 Q Have you talked to any of the other
5 defendants in this case outside the presence of
6 your counsel? So I'm -- I'm specifically just --
7 you know, if you're talking with them when your
8 counsel is present, I don't want you to tell me
9 about that; but if you're talking to other
10 defendants when your attorneys were not present,
11 has that happened, where you talked to some of the
12 other defendants about this case since you've been
13 sued without your lawyers being present?

14 **A No, I have not.**

15 Q Why not? Why haven't you talked to any of
16 your old buddies about this lawsuit?

17 MS. MEADOR: Objection --

18 MR. GRILL: Objection, form.

19 MS. MEADOR: -- form and foundation.
20 I'm sorry, Andrew. Go ahead.

21 MR. GRILL: That's okay. We're just
22 thinking the same, Lisa. That's all.

23 MS. MEADOR: Okay. I'll -- I'll join your
24 objections.

1 physical appearance, back in 1994?

2 **A He's about five-ten, a little chunky. I**
3 **think in those days he probably wore his hair a**
4 **little bit longer than I did.**

5 Q What color hair?

6 **A I think it's kind of like what I used to**
7 **refer to as "dishwater blond." Am I showing my**
8 **age?**

9 Q Did he have -- did he wear glasses back in
10 the 1994 time frame?

11 **A I don't think so.**

12 Q And did he have facial hair back in that
13 1994 time frame?

14 **A He may have had a mustache. I'm not sure.**

15 Q And you worked with Kenny Boudreau for a
16 number of years, right?

17 **A Not as a partner. We were in the same**
18 **unit, yes.**

19 Q And he started in -- 1990 sound about
20 right?

21 **A I don't know for sure.**

22 Q What was your physical appearance back in
23 1994? And I'll -- and I'll represent to you that
24 I've -- I've seen you refer to your physical

70

72

1 BY THE WITNESS:

2 **A Is there a question hanging there, sir?**

3 **BY MR. AINSWORTH:**

4 Q Yeah, well, let me ask you this: Do you
5 think this lawsuit is a bunch of baloney?

6 MR. GRILL: Objection.

7 Go ahead.

8 BY THE WITNESS:

9 **A No, I don't.**

10 **BY MR. AINSWORTH:**

11 Q Okay. Do you think that -- did you want
12 to know, from your fellow detectives, you know,
13 what happened during this investigation that --
14 that led to a conviction being overturned and a
15 lawsuit being filed?

16 **A No.**

17 Q Why not?

18 **A I had nothing to do with the case other**
19 **than one GPR, sir.**

20 Q All right. Do you know Kenny Boudreau?

21 **A Yes, sir, I do.**

22 Q How do you know him?

23 **A Through work in Area 1.**

24 Q All right. Can you describe him, his

1 description as 6 foot 2, 220. Would that be an
2 accurate description of your height and weight
3 back in 1994?

4 **A I don't think I weighed 220. I would say**
5 **around 200 pounds.**

6 Q All right. What about the height?

7 **A I don't think I had started to shrink yet.**
8 **I think that's accurate.**

9 Q All right. 6 foot 2 and 200. What color
10 hair did you have back in 1994?

11 **A Brown, I guess. Dark brown.**

12 Q Did you wear glasses?

13 **A What year is this now when this occurred?**
14 '94?

15 Q 1994.

16 **A Well, I was 40 years old when I got**
17 **glasses, so I guess I didn't have them yet.**

18 Q All right. And did you have any facial
19 hair?

20 **A Did I? No.**

21 Q What about the '70s? Did you have facial
22 hair then?

23 **A I had a mustache at one time, and I can't**
24 **really tell you when. Probably '70s.**

Transcript of Thomas Kelly

19 (73 to 76)

Conducted on July 14, 2020

	73		75
1	Q Okay. How about Jack Halloran? Do you	1	MS. MEADOR: Same objection.
2	know Jack Halloran at Area 1?	2	MR. GRILL: Foundation.
3	A Yes, I do.	3	BY THE WITNESS:
4	Q You worked with him for a long time,	4	A I really don't recall, sir. I don't think
5	right?	5	that O'Brien was.
6	A Not as a partner, no.	6	BY MR. AINSWORTH:
7	Q But he was in the same unit as you for a	7	Q Okay. What about Bill Foley? What was
8	long time?	8	his physical appearance like?
9	A Yes, sir.	9	A He was, again, about six-foot, thin build,
10	Q Over a decade?	10	kind of blondish hair. I believe he had a
11	A Yes. Yes, sir.	11	mustache, and he may have worn glasses but a -- a
12	Q How would you describe his height and	12	thin build.
13	weight?	13	Q And your description of him is for --
14	A Six foot maybe, in good shape, looked like	14	approximately 1994 time frame; is that right?
15	he might have worked out a little bit, you know,	15	A Yes, sir.
16	16 wore his hair parted down the middle. I'd say	16	Q All right. How about Al Graf? What was
17	17 it's a light -- light brownish hair, not long,	17	his physical appearance like in the 1994 time
18	18 well kept.	18	frame?
19	Q Did he have any facial hair?	19	A He's probably in that six-foot range, a
20	A I don't think so.	20	20 little chunky, mustache, brown or black hair. I
21	Q All right. Did he wear glasses?	21	21 don't believe he wore glasses.
22	A Not that I recall.	22	Q Bill Moser. What was his appearance like
23	Q Mike Clancy. How would you describe his	23	23 in about 1994?
24	physical appearance back in 1994?	24	A About six-one, chunky, blondish hair. I
	74		76
1	A Six-oneish, I think. Six foot, six-one,	1	1 believe he had a mustache. I don't think he wore
2	2 average build. I believe he had dark hair. I	2	2 glasses.
3	3 don't think he had facial hair.	3	Q Stan Turner. How would you describe his
4	Q What about glasses?	4	appearance back in 1994?
5	A I don't recall. I don't know.	5	A Who, sir?
6	Q All right. Jim O'Brien. How would you	6	Q Stan Turner.
7	describe his appearance back in 1994?	7	A He's a male, black.
8	A About six-three, six-four, a large	8	Q Why did you say "male, black"?
9	9 build -- not fat, just a large build. I don't	9	A You asked me to describe him.
10	10 believe -- no, he didn't wear glasses, dark hair,	10	MR. GRILL: Objection.
11	11 black hair, I would say. I don't recall facial	11	BY MR. AINSWORTH:
12	12 hair.	12	Q You didn't call -- you -- describe any of
13	Q Was he the tallest guy in Area 1 back in	13	the other people that we've talked about as
14	14 '94?	14	"males," right?
15	A No, I don't believe he was.	15	MR. GRILL: Objection; argumentative,
16	MS. MEADOR: Objection --	16	form.
17	BY MR. AINSWORTH:	17	BY MR. AINSWORTH:
18	Q Who --	18	Q I'm just -- I'm just observing that, you
19	MS. MEADOR: -- foundation. My apologies.	19	know, the only person you called "male" was Stan
20	MR. GRILL: Join.	20	Turner as a male, black; did I get that right?
21	BY MR. AINSWORTH:	21	MR. GRILL: Objection, form. It's
22	Q Who was the tallest guy in Area 1 at the	22	argumentative.
23	time?	23	BY MR. AINSWORTH:
24	MR. GRILL: Objection; form.	24	Q You can answer the question.

Transcript of Thomas Kelly

20 (77 to 80)

Conducted on July 14, 2020

77

79

1 **A** He was the only one I described as male,
2 yes.

3 **Q** All right. And so did he have any facial
4 hair?

5 **A** I don't think so.

6 **Q** Did he wear glasses?

7 **A** I don't think so.

8 **Q** And about how tall was he?

9 **A** Six foot, six-one.

10 **Q** What kind of build?

11 **A** Heavy, not -- slightly heavy.

12 **Q** How about Gerry Carroll? What was his
13 physical description? How would you describe it
14 back in about 1994?

15 **A** Five-eleven, six foot, kind of chunky
16 then, straight hair, probably brownish. I don't
17 believe he wore glasses.

18 **Q** What about facial hair?

19 **A** Not that I recall.

20 **Q** Do you know assistant State's attorney Hal
21 Garfinkel?

22 **A** I remember the name from his time at
23 felony review.

24 **Q** And tell us about your interactions with

1 **1** promotion party or a retirement party I would
2 socialize with them then. I would not say I
3 socialized with them on a -- any of the fellas on
4 a regular basis.

5 **Q** Did you know any of those people I --
6 whose names I just read better than the others?

7 **MR. GRILL:** Objection to form.

8 **BY THE WITNESS:**

9 **A** I would say Graf, Moser, and Halloran.

10 **BY MR. AINSWORTH:**

11 **Q** How do you know Graf, Moser and Halloran
12 better than the others?

13 **A** From prior assignments. We were in the
14 same units.

15 **Q** Which units was that?

16 **A** I believe with Halloran it was what was
17 called the gang unit.

18 **With Moser and Graf it would have been, I
19 believe, special operations group.**

20 **Q** Did you attend any of the other
21 defendants' weddings?

22 **A** No, I don't believe I did.

23 **Q** When was the last time you saw -- and I'll
24 just go down the list.

78

80

1 **Hal Garfinkel.** Did you have any?

2 **A** I may have had cases with him when he was
3 in felony review.

4 **Q** Did you ever testify at a trial where he
5 was the prosecutor?

6 **A** Not that I recall, but it's possible.

7 **Q** Which of these officers that -- whose
8 names I just read to you -- and I can read them
9 back if you need them, but which ones did you
10 socialize with back in the '90s? And it's Kenny
11 Boudreau, Jack O'Brien, Mike Clancy -- sorry, Jack
12 Halloran, Mike Clancy, Jim O'Brien, Bill Foley, Al
13 Graf, Bill Moser, and Gerry Carroll and Stan
14 Turner.

15 **MR. GRILL:** Objection -- objection to
16 form.

17 **BY THE WITNESS:**

18 **A** Can you clarify "socialize," what you mean
19 exactly?

20 **BY MR. AINSWORTH:**

21 **Q** Yeah. Go get a drink with them outside of
22 work, do something social with them outside of
23 work hours, go to their house?

24 **A** Generally, any type of a -- like a

1 **When was the last time you saw Kenny
2 Boudreau?**

3 **A** I believe a couple years ago at a --
4 matter of fact, I don't know how long he's been
5 retired, but it was a little gathering. I believe
6 it was his last day of work on the police
7 department.

8 **Q** Where was that held?

9 **A** I believe it was at Barraco's at 111th
10 and -- that's roughly between California and
11 Kedzie, about 111.

12 **Q** How about Jack Halloran? When was the
13 last time you saw him?

14 **A** I think I saw him at a tavern. We had a
15 little retirement party for somebody, and I don't
16 recall who, probably within the last two years
17 maybe.

18 **Q** But not Boudreau's party?

19 **A** Oh, he may have been there, yes.

20 **Q** I see. How about Mike Clancy? When was
21 the last time you saw him?

22 **A** It's at least 11 years. I don't recall --
23 I don't know. I have no idea, but I haven't seen
24 him since I retired.

Transcript of Thomas Kelly

21 (81 to 84)

Conducted on July 14, 2020

	81		83	
1	Q	What about Jim O'Brien? When was the last	1	
2		time you talked to him?	Q	Or it's his left, right?
3	A	Probably at the little Boudreau party.	2	A Yeah, my -- I'm sorry, my right, his left,
4	Q	Have you talked to him or reached out to	3	I think that's O'Brien.
5		him since he got ill?	4	Q All right. And now let's just move on
6	A	No, I haven't.	5	over.
7	Q	How about Al Graf? When was the last time	6	Do you recognize anyone in this group at
8		you spoke to him?	7	the top of the photo by the doorway?
9	A	It, again, is -- it's been a couple years.	8	A No, it's -- it's very hard to see. You're
10	A	And it -- I don't recall the exact function, but	9	talking about the guy with the cap on in the white
11		11 it would have been something that was like a	10	10 shirt?
12		12 retirement or promotion. It would have been	11	Q Yeah.
13		13 related to where I -- where I previously worked.	12	A No, I -- I can't see his face.
14	Q	And how about Bill Moser?	13	Q All right. And we have a group of people
15	A	11, 12, years.	14	14 over here. Can you recognize any of the people in
16	Q	And Gerry Carroll. When was the last time	15	15 this kind of circle behind the pole?
17		17 you spoke to him?	16	A That is -- really the only one looking
18	A	Again, at -- probably at Boudreau's little	17	somewhat straight ahead is Bill Foley, got a tan
19		19 party.	18	18 trench coat on and glasses.
20	Q	Let me show you what we'll mark as Exhibit	19	Q Can you recognize any of the other
21		21 No. 2. This is a -- a photograph Bates numbered	20	20 individuals in that group?
22		22 Scene -- I'm sorry, City 304.	21	A No. Not with certainty, no.
23		23 (Kelly Exhibit No. 2 was marked for	22	Q Do any of them look familiar to you?
24		24 identification.)	23	A Not -- yeah, to a degree, yeah, but I
			24 can't tell you who they are.	
	82		84	
1	BY MR. AINSWORTH:		1	Q Well, who looks familiar?
2	Q	All right. Do you see a -- this is a	2	A Well, everyone in a trench coat I presume
3		photograph taken in 1994, and I just want you to	3	3 is the police. And there's an officer in uniform
4		4 take a look at this and see if you can identify	4	4 whose face I can't see. I presume they all work
5		5 any of the people you see in this photograph	5	5 in Area 1, but I can't tell you who they are.
6		6 starting with the -- on the left there's three	6	Q All right. What about the guy all the way
7		7 people over here.	7	7 to the right of the photo with a -- what appears
8	A	A I'll tell you, it's extremely hard for me	8	8 to be a clipboard or a pad of paper under his arm?
9		9 to see it. Can you enlarge it or not?	9	A If you -- could you -- I don't know
10	Q	I can try.	10	10 without you maybe enlarging it.
11		(Brief pause.)	11	Q All right. Do you see that fellow?
12	BY MR. AINSWORTH:		12	A Yeah. I don't know who it is.
13	Q	Starting with the left-hand side of this	13	Q All right. That was Exhibit 2.
14		14 photo, I might be able to...	14	Do you have -- when you reviewed the GPR
15	A	I can see it now fairly well.	15	15 of your -- the GPR of a conversation with Nevest
16	Q	Okay. Who are those people on the	16	16 Coleman, did that refresh your recollection about
17		17 left-hand side with -- one with the men in what	17	17 any of the events concerning the murder
18		18 appears to be a green jacket with his back to the	18	18 investigation of Antwinica Bridgeman?
19		19 camera and then two other individuals.	19	A The -- I recall that the pipe in her
20	A	20 I have -- I don't know who has his back to	20	21 the camera, but that would appear -- that would
21		21 appear to be Gerry Carroll on the left with a --	21	22 hearing that somewhere, and that was really all I
22		22 it looks like a green collar on a dark jacket.	22	22 remember about it.
23		23 And to his right...	23	Q Do you believe that you were present for a
24			24 conversation with Nevest Coleman?	

Transcript of Thomas Kelly

22 (85 to 88)

Conducted on July 14, 2020

85

87

1 **A I was present for a conversation with**
 2 **Nevest Coleman, yes.**
 3 Q How do you know that?
 4 **A Because I took a GPR with Mr. Coleman,**
 5 **signed my name to the GPR.**
 6 Q Who else was present for that
 7 conversation?
 8 **A Mr. Coleman and myself.**

9 Q How do you -- do you know if anyone else
 10 was present?

11 **A For the conversation it was between**

12 **Mr. Coleman and myself.**

13 Q And how do you know that nobody else was
 14 present for that conversation?

15 **A I just know because I would have put down**
 16 **who else was present on the GPR.**

17 Q That was your practice, to write the name
 18 of anyone else who was present when you're
 19 conducting an interview; is that correct?

20 **A Yes, sir.**

21 Q And the absence of another police
 22 officer's name on your GPR suggests to you that
 23 you conducted the interview of Nevest Coleman
 24 alone, correct?

1 **in a open area on the second floor.**
 2 Q How do you know the conversation took
 3 place at 51st and Wentworth on the second floor in
 4 an open area?

5 **A Because, to the best of my recollection,**
 6 **Mr. Coleman, I believe, was brought in by beat**
 7 **officer or officers, and he was seated at one of**
 8 **the chairs in that area.**

9 Q And do you recall that happening, or is
 10 there something that you're using to refresh your
 11 recollection?

12 **A That is where I conducted interviews of**
 13 **witnesses.**

14 Q I understand that, sir. I'm trying to
 15 find out if you recall Nevest Coleman actually
 16 sitting in one of those chairs or you're just
 17 presuming because that's where you would typically
 18 conduct interviews of witnesses?

19 **A The latter. I'm presuming that's where I**
 20 **would conduct witness interviews.**

21 Q So you don't actually know where the
 22 conversation with Nevest Coleman took place; is
 23 that correct?

24 **A No.**

86

88

1 **A Yes, sir.**

2 Q And it's fair to say you don't have any
 3 independent recollection of that conversation
 4 where you can say from memory I was the only
 5 person there, you're just relying on your notes;
 6 is that right?

7 **A I know what my practice is -- I almost**
 8 **said "was," what my practice -- or, excuse me,**
 9 **what my practice was from my time as a detective.**

10 Q But have you no independent recollection
 11 of the conversation with Nevest Coleman; is that
 12 right?

13 **A Without referring to that, no.**

14 Q But even when you referred to the GPR,
 15 that doesn't let -- allow you to remember what
 16 happened, you're just reading off the GPR,
 17 correct?

18 **A Correct.**

19 Q You don't remember what Nevest Coleman
 20 looked like; is that right?

21 **A No, I don't.**

22 Q Do you recall where that interview took
 23 place?

24 **A At 51st and Wentworth on the second floor,**

1 Q And, sir, during this deposition, at
 2 certain times you've had a mask on and certain
 3 times you've had a mask off. And, you know,
 4 whatever suits your personal comfort is fine by
 5 us. I just want to make sure there's nothing
 6 about either the wearing of the mask or not
 7 wearing the mask that affects your ability to
 8 testify truthfully and accurately here today; is
 9 that right?

10 **A It has a tendency to fog up my glasses.**

11 Q But it doesn't affect your ability to
 12 testify truthfully --

13 **A No, it does not. No, sir.**

14 Q Thank you, sir.

15 All right. Okay. In 1994 who was your
 16 partner?

17 **A I think it was Rich Paladino.**

18 Q Do you know if Rich Paladino was working
 19 on April 28, 1994 when you -- when you created the
 20 GPR about your conversation with Nevest Coleman?

21 **A No, I don't.**

22 Q What watch were you working in April 1994?

23 **A Third watch afternoons.**

24 Q What time would you typically arrive for

Transcript of Thomas Kelly

23 (89 to 92)

Conducted on July 14, 2020

89

91

1 your watch?
 2 **A 4:30.**
 3 Q Is that the time that your watch would
 4 begin?
 5 **A Yes, sir.**
 6 Q And when did your watch end?
 7 **A 1:00. 1:00 a.m.**
 8 Q And would you get there a little earlier
 9 to change and get ready for work, or would you
 10 just arrive at 4:30?
 11 **A I'd arrive raring to go, sir. I -- there**
12 was no changing.
 13 Q All right. So you would get there at 4:30
 14 when were you supposed to be there, right?
 15 **A Or a little bit earlier, depending upon**
16 traffic.
 17 Q All right. Do you recall anything about
 18 April 28, 1994?
 19 **A No, sir.**
 20 Q You mentioned learning about a woman who
 21 had a pipe in her vagina. Did you learn that on
 22 the day that the pipe was discovered in the
 23 victim's vagina?
 24 **A Probably not.**

90

92

1 Q Why do you say "probably not"?
 2 **A I just don't recall knowing anything about**
3 it for several days.
 4 Q How did you learn about a victim having a
 5 pipe in her vagina?
 6 **A I'm sure it was just a conversation at**
7 work.
 8 Q Were you at the scene where a victim was
 9 discovered about with a pipe in her vagina?
 10 **A No, I was not at the scene. No, sir.**
 11 Q Had you recovered decomposing bodies
 12 before -- or strike that.
 13 In your career as a Chicago police
 14 detective, have you been at the scene where a
 15 decomposing body was found?
 16 **A Yes.**
 17 Q How many times has that happened?
 18 **A I can't tell you. I don't know. More**
19 than ten, I would imagine.
 20 Q Did you recover any -- were you at the
 21 scene of any decomposing bodies on Garfield
 22 Boulevard?
 23 **A Ever?**
 24 Q Yes.

1 **A I don't recall -- I don't know.**
 2 Q Do you know why it was that you were
 3 speaking to Nevest Coleman on April 28, 1994?
 4 **A Yes, sir.**
 5 Q Why is that?
 6 **A He was a witness, an outcry witness to**
7 discovery of the deceased.
 8 Q And what about Nevest Coleman being an
 9 outcry witness to the discovery of a body means
 10 that you were the one to question him?
 11 **A You lost me there. I'm sorry.**
 12 Q Sure. Do you know why it was you who was
 13 questioning Nevest Coleman as opposed to somebody
 14 else or another detective?
 15 **A I believe I was in the office at the area**
16 at the time. I think a supervisor probably told
17 me to interview him.
 18 Q Why do you believe -- or what do you base
 19 your belief that you're in the office at the time
 20 on?
 21 **A Because that's where the interview took**
22 place.
 23 Q All right. But there's nothing else that
 24 suggests to you that you were in the office at the

1 time that you were asked to speak to Nevest
 2 Coleman; is that right?
 3 **A Correct.**
 4 Q And do you have any recollection of anyone
 5 asking you to speak to Nevest Coleman?
 6 **A Not specifically, no.**
 7 Q Do you know if it was a supervisor or a
 8 fellow detective who asked you to speak to Nevest
 9 Coleman?
 10 **A No, I don't recall.**
 11 Q Did you -- how late did you work that
 12 evening?
 13 **A I don't think I worked overtime. I think**
14 just a normal tour of duty.
 15 Q Why do you -- why do you not think you
 16 worked overtime that day?
 17 **A I just don't think I did.**
 18 Q When you filled out supp reports as a
 19 detective in around 1994, how would you determine
 20 which detectives to include as assigned detectives
 21 to the case?
 22 **A We always -- whoever either had the**
23 initial assignment, they were referred to as the
24 paper car and anyone else who came out to lend a

Transcript of Thomas Kelly

24 (93 to 96)

Conducted on July 14, 2020

<p>93</p> <p>1 hand.</p> <p>2 Q And what does coming out to lend a hand 3 mean? Like interviewing witnesses, for example?</p> <p>4 A Yes.</p> <p>5 Q So in 1994 would you have included 6 yourself in a supp report as an assigned detective 7 because you interviewed Nevest Coleman?</p> <p>8 A If I was doing the supp?</p> <p>9 Q Yeah.</p> <p>10 A Yes, I would.</p> <p>11 Q Any reason to leave you off the supp 12 report?</p> <p>13 A Would I leave my own self off of a supp 14 report after I --</p> <p>15 Q Well, let's put it differently. That's a 16 poorly worded question, and you were right to 17 point it out to me. I appreciate that.</p> <p>18 Do you know why you're not mentioned in 19 Foley and Clancy's supp report regarding the 20 investigation that led to the arrest and 21 prosecution of Nevest Coleman?</p> <p>22 MR. GRILL: Objection; form, foundation.</p> <p>23 BY THE WITNESS:</p> <p>24 A No, I don't.</p>	<p>95</p> <p>1 BY THE WITNESS:</p> <p>2 A In the body of the arrest report.</p> <p>3 BY MR. AINSWORTH:</p> <p>4 Q Okay. And did you want the arresting 5 officers to get credit for the arrest even though 6 they weren't present for the arrest?</p> <p>7 MR. GRILL: Objection; form.</p> <p>8 BY THE WITNESS:</p> <p>9 A They would certainly get credit, yes.</p> <p>10 BY MR. AINSWORTH:</p> <p>11 Q And that was one of the ways to measure 12 the productivity of a police officer was to show 13 how many arrests were made, right?</p> <p>14 A I have no idea.</p> <p>15 MS. MEADOR: Objection; foundation.</p> <p>16 BY MR. AINSWORTH:</p> <p>17 Q Why did you want officers who weren't 18 present for an arrest to get credit?</p> <p>19 MR. GRILL: Objection; form.</p> <p>20 BY THE WITNESS:</p> <p>21 A To show that they had participated in the 22 investigation.</p> <p>23 BY MR. AINSWORTH:</p> <p>24 Q Why did you want to show that they</p>
<p>94</p> <p>1 BY MR. AINSWORTH:</p> <p>2 Q When you were a detective back in 1994, 3 would you sometimes fill out arrest reports?</p> <p>4 A Yes, sir.</p> <p>5 Q And how would you determine which officers 6 to include as arresting officers on an arrest 7 report?</p> <p>8 A Any officers who were physically present I 9 would put down on the arrest report and possibly 10 officers who would -- assisted in various portions 11 of the investigation I might put down on the 12 arrest report as assisting.</p> <p>13 Q Why would you include officers who weren't 14 present for the arrest of an individual as 15 assisting arresting officers?</p> <p>16 A Why not? It would be in the body of the 17 arrest report.</p> <p>18 Q It would -- but you would note it on the 19 arrest report, right?</p> <p>20 A I would put assisting officers, yes, in 21 the --</p> <p>22 Q Did you --</p> <p>23 A -- body...</p> <p>24 (Reporter clarification.)</p>	<p>96</p> <p>1 participated in the investigation?</p> <p>2 A To thank them for their help.</p> <p>3 Q So that was your way of thanking them, by 4 including them on the arrest report; is that -- is 5 that fair to say?</p> <p>6 A It's fair to say, if they participated in 7 the investigation.</p> <p>8 Q Right. And that you included them, their 9 name, as an assisting arresting officer even if 10 they weren't present as a way of thanking them; is 11 that what you're saying?</p> <p>12 A Yes.</p> <p>13 Q Were you trained to thank officers by 14 including on an arrest report, signed under 15 penalty of perjury, that they were the assisting 16 arresting officers even though they weren't 17 present for the arrest?</p> <p>18 MS. MEADOR: Objection; form.</p> <p>19 MR. GRILL: Join.</p> <p>20 BY MR. AINSWORTH:</p> <p>21 Q Or is that something that you would just 22 do?</p> <p>23 A Something I would do.</p> <p>24 Q Do you know other police officers to do</p>

Transcript of Thomas Kelly

25 (97 to 100)

Conducted on July 14, 2020

97

99

1 that, to do the same thing, where they would
 2 include officers who weren't present for the
 3 arrest on an arrest report as a means of thanking
 4 those officers?

5 **A I have no idea, sir.**

6 Q Have you heard of that before, where
 7 people would include officers who weren't present
 8 for the physical arrest of a suspect as assisting
 9 arresting officers on the arrest report?

10 **A I don't know.**

11 Q Did your partner ever do that, either
 12 Paladino or Riley?

13 **A I don't know.**

14 Q Or Jim Ward?

15 **A I don't know.**

16 Q Well, when you're -- sometimes you would
 17 fill out the arrest reports, right?

18 **A Yes, sir.**

19 Q And sometimes your partner would fill out
 20 the arrest report, correct?

21 **A Yes, sir.**

22 Q And you would ensure that the arrest
 23 report was accurate before you signed it, correct?

24 **A Yes.**

1 through RFC132.

2 MR. GRILL: Hey, Russell?

3 MR. AINSWORTH: Yes, sir.

4 MR. GRILL: Would this be an all right
 5 time to take a -- I need a bathroom break if we
 6 could. Would this be an appropriate time? If
 7 you've got some more questions that you can flip
 8 through quickly, I can hold it, but --

9 MR. AINSWORTH: Sure. And then -- and
 10 then we'll break.

11 BY MR. AINSWORTH:

12 Q I just wanted to ask you, sir, have you
 13 seen this document before, Exhibit No. 3?

14 **A Yes, sir.**

15 Q All right. When have you seen this
 16 document?

17 **A On the 28th of April, 1994.**

18 Q Okay. Have you seen it since then?

19 **A Now I -- no, not until now.**

20 Q Okay. Is that your writing on the -- on
 21 Page 1 of Exhibit No. 3?

22 **A Yes, sir.**

23 Q All right. And that's your name,
 24 Detective T. Kelly?

98

100

1 Q And so in all the years that you were a
 2 detective for 22 years, did one of your partners
 3 include on an arrest report the presence of
 4 officers who weren't physically present for arrest
 5 but include them as assisting arresting officers
 6 on the arrest report?

7 **A I don't know.**

8 Q You didn't -- you're -- you were reviewing
 9 it for accuracy, as you said, right, but you
 10 weren't paying attention to whether --

11 (Reporter clarification.)

12 BY MR. AINSWORTH:

13 Q And so even though you were reviewing the
 14 arrest -- arrest reports for accuracy, you weren't
 15 looking to see if the officers named as assisting
 16 arresting officers were present at the scene or
 17 not; is that right?

18 **A That's correct.**

19 Q Let me -- I'm going to show you what we'll
 20 mark as Exhibit No. 3.

21 (Kelly Exhibit No. 3 was marked for
 22 identification.)

23 MR. AINSWORTH: And this is a -- all
 24 right. This document is Bates numbered RFC129

1 **A Yes, sir.**

2 Q All right. Do you know why you filled out
 3 this request for identification records?

4 **A It was a request for a criminal history of
 5 Michael Barber.**

6 Q Do you know why you filled out this
 7 request for criminal history for Michael Barber?

8 **A Not really. At this time, no, I don't.**

9 Q And did you get it -- is -- the signature
 10 of the sergeant, did you obtain that signature?

11 **A Yes.**

12 Q And would that -- who signed that?

13 **A Sergeant Ridges.**

14 Q Jack Ridges?

15 **A Yes.**

16 Q All right. And then we have a few more of
 17 these. There's -- Page 2 is a request for Nevest
 18 Coleman's criminal history report; do you see
 19 that?

20 **A Yes, sir.**

21 Q And that's your handwriting, as well; is
 22 that correct?

23 **A Yes, sir.**

24 Q And then we've got a criminal history

Transcript of Thomas Kelly

26 (101 to 104)

Conducted on July 14, 2020

101	103
<p>1 report request for Miguel Coleman; do you see 2 that?</p> <p>3 A Yes, sir.</p> <p>4 Q That's your handwriting, as well?</p> <p>5 A Yes, sir.</p> <p>6 Q And then a criminal history report request 7 for Louis Coleman, Jr.; do you see that?</p> <p>8 A Yes, sir, I see it.</p> <p>9 Q All right. So --</p> <p>10 MR. AINSWORTH: All right. Why don't we 11 take a break, and then we'll continue on.</p> <p>12 (Short recess.)</p> <p>13 MR. AINSWORTH: Let's go back on the 14 record.</p> <p>15 BY MR. AINSWORTH:</p> <p>16 Q All right, sir. So when we broke, we were 17 talking about Exhibit No. 3, which was the request 18 for criminal histories for four different 19 individuals.</p> <p>20 Do you know why you were the particular 21 detective who requested those criminal histories?</p> <p>22 A I had asked Mr. Coleman who he resided 23 with. He told me. And I wanted to see if any of 24 those persons had a criminal history.</p>	<p>1 A No.</p> <p>2 Q Do you have any recollection of the 3 circumstances surrounding you asking for those 4 criminal history reports?</p> <p>5 A It was my practice to attempt to find if 6 any criminal histories existed.</p> <p>7 Q All right. I understand that it's your 8 practice, but do you have any specific 9 recollection of this -- these four requests for 10 criminal histories, the circumstances that led to 11 them?</p> <p>12 A No.</p> <p>13 Q Do you know if you did it on your own or 14 somebody else asked you to request them?</p> <p>15 A I don't specifically recall.</p> <p>16 Q Do you know what -- at what point during 17 your shift that you requested the criminal history 18 reports?</p> <p>19 A No, I don't.</p> <p>20 MR. AINSWORTH: I'm going to -- let's mark 21 as Exhibit No. 4 the GPR that you created. I'm 22 going to share that with you.</p> <p>23 (Kelly Exhibit No. 4 was marked for 24 identification.)</p>
102	104
<p>1 Q All right. Are you speculating about what 2 you did, or do you recall Mr. Coleman telling you 3 who he resided with and then you thinking, ooh, 4 I'd like to get -- find out what criminal records 5 those people have?</p> <p>6 A I read the GPR, and I asked Mr. Coleman 7 who he resided with.</p> <p>8 Q And so just to be really clear, Mr. Kelly, 9 the -- what I'm getting is at do you have a 10 recollection of actually thinking, oh, that's 11 interesting what -- the information Nevest is 12 giving me, I'd like to know what their criminal 13 backgrounds are; or are you reading the GPR and 14 then speculating that at the time you asked for 15 the criminal history reports because Nevest gave 16 you that information?</p> <p>17 A It's because I read the GPR.</p> <p>18 Q All right. So you're just -- you're 19 basing it on like filling in the gaps based on 20 your reading of the GPR now; is that right?</p> <p>21 A I don't recall.</p> <p>22 Q And I guess that's my -- my question.</p> <p>23 Do you have any recollection of actually 24 requesting the criminal history reports?</p>	<p>1 BY MR. AINSWORTH:</p> <p>2 Q All right. So, sir, do you see this 3 document, first off, it's dated April 28; do you 4 see that?</p> <p>5 A Yes, sir.</p> <p>6 Q Or sorry. I highlighted the wrong thing. 7 Let me fix that.</p> <p>8 It's dated, third watch, April 28, 1994, 9 correct?</p> <p>10 A Yes, sir.</p> <p>11 Q And third watch is the watch that you 12 would work that you called "afternoons"; is that 13 right?</p> <p>14 A Yes, sir.</p> <p>15 Q And is it your handwriting that appears in 16 this GPR?</p> <p>17 A Yes, sir.</p> <p>18 Q What is a GPR?</p> <p>19 A General progress report.</p> <p>20 Q What's the purpose of a general progress 21 report?</p> <p>22 A Note taking, basically.</p> <p>23 Q So when you spoke to Nevest Coleman, he 24 provided you with his name and his date of birth,</p>

Transcript of Thomas Kelly

27 (105 to 108)

Conducted on July 14, 2020

	105		107
1	right?	1	Did I read that correctly?
2	A Yes.	2	A Yes, sir.
3	Q His address and his phone number, correct?	3	Q And then it says: "On the second floor my
4	A Yes.	4	sister, Jennice Coleman, and another brother,
5	Q His employer and told you how to contact	5	Louis Coleman, Jr., a/k/a Tony."
6	him at Comiskey Park by asking for the ground	6	Did I read that correctly?
7	crew; is that right?	7	A Yes, sir.
8	A Yes, sir.	8	Q And then your signature appears in the
9	Q And he provided you with the location of	9	bottom left-hand corner; is that right?
10	10 Comiskey Park, right?	10	A Yes, sir.
11	A Yes, sir.	11	Q Did Sergeant Benoit sign it in the
12	Q And he gave you his social security	12	supervisor box?
13	number, right?	13	A Yes, sir.
14	A Yes, sir.	14	Q What did you do with this document, the
15	Q And then -- I just want to confirm that	15	GPR, after you created it?
16	I'm able -- you have good handwriting, given all	16	A Gave it to the sergeant.
17	the different types of handwriting we see, but I	17	Q All right. Which sergeant did you give it
18	just want to make sure that I'm reading this	18 to?	
19	correctly. So I'm going to read it to you and ask	19	A I don't recall.
20	20 you if I've -- if I've got it right.	20	Q Why did you give it to the sergeant?
21	So the first line of the narrative portion	21	A So that he could give it to Foley and
22	22 reads: "We thought we smelled something several	22	Clancy.
23	23 days ago"; is that correct?	23	Q Why didn't you give it to Foley and
24	A Yes, sir.	24	Clancy?
	106		108
1	Q And then it reads: "On today's date my	1	A I don't believe they were in.
2	mother" -- what is that word?	2	Q Do you have any recollection about whether
3	A Asked.	3	you gave it to the sergeant or you gave it to
4	Q "Asked me to check the basement to see if	4	Foley or Clancy?
5	5 there was a dead cat or dog in the basement"; is	5	A No.
6	6 that correct?	6	Q So why did you say you believe you gave
7	A Yes, sir.	7	7 it -- you didn't believe Foley and Clancy were in?
8	Q "Me and Mike tried to open the back door	8	A My standard procedure would be to give it
9	9 to the basement, and we couldn't push the door	9	to the sergeant.
10	10 open, felt like there was something behind the	10	Q Okay. Do you have any recollection, one
11	11 door.	11	way or the other, whether Foley or Clancy were
12	12 "We went and got batteries for our	12	there when you turned in this report?
13	13 flashlight, and Mike looked in the window and saw	13	A No.
14	14 the body."	14	Q And so what was your belief that they
15	15 Did I read that correctly?	15	weren't there at the station based on?
16	A Yes, sir.	16	A I don't know.
17	Q "We went upstairs and told my mother. She	17	(Kelly Exhibit No. 5 was marked for
18	18 called the police."	18	identification.)
19	19 Did I read that correctly?	19	BY MR. AINSWORTH:
20	A Yes, sir.	20	Q All right. I'd like to -- I'm going to
21	Q And it says: "I live with my mother,	21	mark as Exhibit 5 the large exhibit that's Bates
22	22 Cecelia Coleman; father, Louis Coleman; brother,	22	numbered RFC1 through 200. I'm going to share
23	23 Miguel Coleman, 23 years on the first floor of 917	23	that with you.
24	24 West 55th Street."	24	I'll represent to you this is the

Transcript of Thomas Kelly

28 (109 to 112)

Conducted on July 14, 2020

109	111
<p>1 investigative file, and I'm going to skip ahead to 2 144 -- RFC144. That's typewritten, so I don't 3 have to ask you about that one, but I do want to 4 ask you about some of these others.</p> <p>5 Do you recognize the handwriting on this 6 GPR Bates numbered RFC151 from Exhibit 4 [sic]?</p> <p>7 A This Latoya Davis?</p> <p>8 Q Yes.</p> <p>9 A No, I don't.</p> <p>10 Q Do you know if it's Clancy's handwriting?</p> <p>11 A I don't know.</p> <p>12 Q All right. How about RFC152? Do you 13 recognize that handwriting?</p> <p>14 A No, I don't.</p> <p>15 Q All right. Let's go to -- all right.</p> <p>16 17- -- RFC172. Do you recognize the handwriting 17 on this page?</p> <p>18 A No, I don't.</p> <p>19 Q Do you recognize it to be Bill Foley's?</p> <p>20 A No, I don't.</p> <p>21 Q All right. How about Page 1 -- RFC173?</p> <p>22 A No, I don't recognize the handwriting.</p> <p>23 Q Do you recognize the handwriting at 24 RFC174?</p>	<p>1 Let's look --</p> <p>2 MR. GRILL: Objection.</p> <p>3 BY MR. AINSWORTH:</p> <p>4 Q -- at RFC182.</p> <p>5 Do you recognize the handwriting on this 6 one?</p> <p>7 A No, I don't.</p> <p>8 Q Do you know whose signature that is down 9 in the bottom left corner on this one?</p> <p>10 A Can you make it bigger?</p> <p>11 Q Yes, I can.</p> <p>12 A I recognize the name "Golubiak."</p> <p>13 Q All right. Can you describe Golubiak's 14 appearance back in 1994?</p> <p>15 A Six-one, six-two, good shape. He was a 16 runner, kind of brownish hair.</p> <p>17 Q Did he have glasses?</p> <p>18 A I don't recall.</p> <p>19 Q Facial hair?</p> <p>20 A Not that I recall, but I'm not sure.</p> <p>21 Q What kind of build did he have? He was a 22 runner?</p> <p>23 A Lean build.</p> <p>24 Q So of all the detectives that you</p>
110	112
<p>1 A No, I don't.</p> <p>2 Q And same question for RFC175?</p> <p>3 A No, I don't.</p> <p>4 Q Do you recognize the handwriting on 5 RFC176?</p> <p>6 A No, I don't.</p> <p>7 Q Do you recognize the handwriting on 8 RFC177?</p> <p>9 A No, I don't.</p> <p>10 Q Do you recognize the handwriting on 11 RFC178?</p> <p>12 A No, I don't.</p> <p>13 Q Do you recognize the handwriting on 14 RFC179?</p> <p>15 A No, I don't.</p> <p>16 Q Do you recognize the handwriting on 17 RFC180?</p> <p>18 A No, I don't.</p> <p>19 Q Do you recognize -- oh, this is you, 20 right?</p> <p>21 A Yes, it is.</p> <p>22 Q All right. See how much neater your's 23 is -- neater yours is than the others? It's 24 pretty good. All right.</p>	<p>1 described to me the tallest one was O'Brien; is 2 that fair to say? He was the only one who was 3 six-three or higher? Six-three? Six-four, right?</p> <p>4 A Yes, sir.</p> <p>5 Q All right. So then I'm showing you -- 6 let's do a -- 183.</p> <p>7 Is that -- do you recognize that 8 handwriting on 183?</p> <p>9 A No, sir, I don't.</p> <p>10 Q Do you know whose signature that is on -- 11 on this page in the bottom left-hand corner?</p> <p>12 A If you can enlarge it, I might be able to 13 tell.</p> <p>14 (Brief pause.)</p> <p>15 BY THE WITNESS:</p> <p>16 A Harrison.</p> <p>17 BY MR. AINSWORTH:</p> <p>18 Q What was Harrison's first name?</p> <p>19 A Patricia.</p> <p>20 Q All right. 184, do you recognize that 21 handwriting?</p> <p>22 A No, I don't.</p> <p>23 Q Do you recognize it to be Graf's 24 handwriting?</p>

Transcript of Thomas Kelly

29 (113 to 116)

Conducted on July 14, 2020

	113		115
1 A You're going to have to do -- go down		1 MR. AINSWORTH: Excuse me.	
2 again.		2 MR. GRILL: Yeah, you were just -- I was	
3 Q You mean to look at the signature? I'm		3 just going to help you clarify that it's excerpts	
4 just --		4 from RFC1 through 200, right?	
5 (Simultaneous crosstalk.)		5 MR. AINSWORTH: That's correct, which	
6 BY MR. AINSWORTH:		6 we've marked as Exhibit No. 5. Okay.	
7 Q -- talking about the handwriting.		7 (Kelly Exhibit No. 6 was marked for	
8 A No, I don't recognize the handwriting.		8 identification.)	
9 Q Do you recognize the handwriting on 185?		9 BY MR. AINSWORTH:	
10 A No, I don't.		10 Q Now I'd like to show you what we've	
11 Q Do you recognize the handwriting on 186?		11 marked -- what we'll mark as Exhibit No. 6. So	
12 A No, I don't.		12 I'll share it with you, and then I'll read the	
13 Q Do you recognize the handwriting on 187?		13 Bates numbers for everybody playing along at home.	
14 A No, I don't.		14 This is -- the document is labeled "Supp	
15 Q Do you recognize the handwriting on 188?		15 Report," and then RFC80 to 96.	
16 A No, I don't.		16 Sir, have you reviewed this document,	
17 Q Do you recognize the handwriting on 189?		17 the -- the scene supp and CLEAR supp for Nevest	
18 A No, I don't.		18 Coleman and Derrell Fulton?	
19 Q Do you recognize the handwriting on 190?		19 A No, sir.	
20 A No, I don't.		20 Q All right. I'm going to just show you	
21 Q Do you recognize the handwriting on 191?		21 portions of the narrative section of this report,	
22 A No, I don't.		22 although you're entitled and welcome to read as	
23 Q Do you recognize the handwriting on 192?		23 much of this report as you'd like, to see if it	
24 A No, I don't.		24 refreshes your recollections of any of the events	
	114		116
1 Q And do you recognize the handwriting on		1 described within this report. Okay?	
2 193?		2 A Yes.	
3 A No, I don't.		3 Q Is that all right with you?	
4 Q Do you recognize the handwriting on 195?		4 A Sure.	
5 A No, I don't.		5 Q I'm going to show you on Page RFC82 of the	
6 Q And I think that's it. All right.		6 document it lists some of the arresting officers	
7 Prior to today had you heard -- had you		7 there, and then it scrolls down to the next page	
8 seen any of the exhibits -- or any of those GPRs		8 and lists additional arresting officers and shows	
9 that we just showed you apart from the one with		9 the time, date, and location of arrest for Coleman	
10 your handwriting on it?		10 and Fulton.	
11 A No, sir.		11 It shows the charges for Coleman and	
12 Q I'm going to --		12 Fulton. It describes the injuries to Coleman and	
13 MR. AINSWORTH: That was Exhibit 5,		13 Fulton -- sorry, injuries to the victim. My	
14 correct, Counsel?		14 apologies.	
15 MR. GRILL: You're asking me?		15 MS. MEADOR: I had just taken my mute off,	
16 MR. AINSWORTH: Yeah, anyone.		16 Russell.	
17 MR. ADELMAN: Yes.		17 MR. AINSWORTH: I -- I feel your pain.	
18 MR. AINSWORTH: Yes.		18 BY MR. AINSWORTH:	
19 BY MR. AINSWORTH:		19 Q All right. And then I'm going to scroll	
20 Q I mistakenly referred to it as Exhibit 4		20 down to the narrative section, unless you'd like	
21 when I was going through at one point. I just		21 to look at other portions of the preliminary part	
22 want it to be clear that I was showing the witness		22 of this report.	
23 Exhibit No. 5.		23 A No. Go right ahead.	
24 MR. GRILL: That --		24 Q All right. So you're listed as a -- as a	

Transcript of Thomas Kelly

30 (117 to 120)

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1 personnel assigned to the -- to the case. Do you
 2 see that on Page 84 of Exhibit No. 6?

3 **A Yes.**

4 Q All right. Is this large enough for you
 5 to read, sir?

6 **A Yes, sir, it is.**

7 Q All right. Would you kindly read through
 8 this narrative portion of this report and tell me
 9 if it refreshes your recollection as to any of the
 10 events that are described either here or events
 11 that we've talked about previously in this
 12 deposition, such as the GPR that's -- the
 13 interview you had with Nevest Coleman? And just
 14 let me know when you're done with the paragraph,
 15 and then I'll move it down.

16 (Brief pause.)

17 THE WITNESS: You could move it down.

18 MR. AINSWORTH: And take your time.
 19 Nobody is going to judge you on your speed of
 20 reading.

21 (Witness peruses document.)

22 BY THE WITNESS:

23 **A You can go on, sir, please. You can go
 24 down.**

1 **A You can go a little further. That's fine.**

2 (Witness peruses document.)

3 BY THE WITNESS:

4 **A Okay.**

5 **BY MR. AINSWORTH:**

6 Q All right. So I've asked you to read from
 7 pages -- page -- the narrative portion's report,
 8 which spanned Pages 7 through 16 of this report.
 9 And you've had an opportunity to read
 10 that; is that correct?

11 **A Yes, sir.**

12 Q Did reading those -- reading those
 13 portions of this report that you did, did that
 14 refresh your recollection at all of anything about
 15 the Antwinica Bridgeman investigation?

16 **A No.**

17 Q Did it refresh your recollection at all of
 18 your conversation with Nevest Coleman?

19 **A No.**

20 Q Did it refresh your recollection of
 21 ordering the criminal history reports that you
 22 ordered?

23 **A No.**

24 Q Did it refresh your recollection as to any

118

120

1 **If you can go down, sir -- oh, wait. Go
 2 ahead, sir. Go ahead. You can go down, sir. You
 3 can go down, sir.**

4 **BY MR. AINSWORTH:**

5 Q Is that good?

6 **A Yeah. That's fine. Thank you.**

7 (Witness peruses document.)

8 BY THE WITNESS:

9 **A You can go down. You can go down, sir.**

10 **You can go down, sir. You can go down.**

11 **BY MR. AINSWORTH:**

12 Q To the next paragraph?

13 **A Yeah, I'm done. You can go to 11, Page 11
 14 I believe it is.**

15 (Witness peruses document.)

16 BY THE WITNESS:

17 **A You can go down, sir. You can go down,
 18 sir. You can go down. Go down, sir. You can go
 19 down. You can go down. You can go down, sir.
 20 You can go down. You can go down. You can go
 21 down, sir. You can go down. You can go down.**

22 **Go down, sir. Last page.**

23 **BY MR. AINSWORTH:**

24 Q Last page?

1 of the questions that I've asked you thus far that
 2 you did not recall was your answer?

3 **A No, sir.**

4 Q Now, you spent 22 years in homi- -- in
 5 violent crimes, correct?

6 **A Yes, sir.**

7 Q All right. I want to ask you about on --
 8 on Page 12 do you see where Nevest Coleman has
 9 been questioned by the police and says that he saw
 10 the victim and Chip and Dap talking to the victim
 11 in the alley behind his house. He went on to say
 12 he saw the victim and Chip and Dap go into his
 13 basement.

14 He stated that after a short time he went
 15 to the basement door and observed the victim
 16 orally copulating Chip, and she was also engaged
 17 with Dap in anal intercourse.

18 He then went on to say that he became
 19 frightened and ran his into apartment one floor
 20 above the crime scene where he remained for the
 21 rest of the night.

22 Do you see that, sir?

23 **A Yes, I see it.**

24 Q Okay. And then in the -- further down in

Transcript of Thomas Kelly

31 (121 to 124)

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<p>1 the report it says that Coleman then said he 2 wanted to tell the entire truth. 3 And then he says that the version he just 4 provided about seeing Dap and Chip with the victim 5 and him running away wasn't true? 6 And then he goes on to detail his -- his 7 confession to the murder in the following 8 paragraphs of this report; is that a fair summary? 9 A Yes, sir. 10 Q All right. But before he tells the truth, 11 according to the report, he, Nevest Coleman, 12 provides a story where he sees Chip and Dap with 13 the victim in the alley behind his house. 14 He looks -- he -- from the basement door, 15 in April, he observes the victim orally copulating 16 Chip and engaging in sex with Dap and that he 17 becomes frightened and runs away. Okay. 18 I'm just laying that as foundation because 19 I want to then ask you about at the bottom of 20 Page 14 of this report, the report reads that, 21 according to Derrell Fulton, he observed Chip and 22 Nevest and the victim go into the basement and 23 that he went down into the basement and while -- 24 or sorry. While he was standing in the basement</p>	<p>121</p> <p>1 anal sex with -- with her and then becomes scared, 2 runs from the doorway, and runs home. 3 Would you, as an experienced detective, 4 want to know why both Derrell Fulton and Nevest 5 Coleman are telling the same lie during the course 6 of their interrogation? 7 MR. GRILL: Objection; form, foundation, 8 incomplete hypothetical, and calls for 9 speculation. 10 MR. ADELMAN: Join. 11 MS. MEADOR: Join. 12 BY MR. AINSWORTH: 13 Q You can answer, sir. 14 A Sir, I have no idea of any of the 15 investigation. 16 Q I understand that, sir. That's why I'm 17 coming to you kind of as, you know, somebody who 18 brings 22 years of homicide investigation 19 experience plus another 18 years of policing to 20 bear on this question. 21 And so, based on your experience, as an 22 experienced Chicago police detective, wouldn't you 23 want to know why both Nevest Coleman and Derrell 24 Fulton are telling very similar lies during the</p>
<p>1 doorway, he observed the victim orally copulating 2 Chip, and Nevest Coleman was having vaginal 3 intercourse with the victim. 4 He then went on to say that Chip and 5 Nevest Coleman turned towards Fulton and saw that 6 Fulton was standing in the doorway. Fulton went 7 on to say that he then panicked and ran away from 8 the scene and went home. 9 And then, on the following page, it then 10 says that -- Fulton then says, well, that's not 11 what happened. And then he goes on to provide 12 his -- he then provides his confession of what 13 actually happened according to the report; is that 14 a fair statement? 15 A Yes. 16 Q So as an experienced homicide detective, 17 sir, would you be curious to know why both Nevest 18 Coleman and Darrell Fulton are saying -- are 19 providing a story to the police in which each of 20 them stands in the basement -- in the door to the 21 basement and sees the other, along with a third 22 individual, having sex with the victim in a very 23 similar way, where the victim is orally copulating 24 one man, while the other has either vaginal or</p>	<p>122</p> <p>1 course of their separate interrogations? 2 MR. GRILL: Same objection; incomplete 3 hypothetical, calls for speculation, form, 4 foundation. 5 MS. MEADOR: Join. 6 MR. ADELMAN: Join. 7 BY THE WITNESS: 8 A Sir, that's hypothetical, and I'm not 9 going to speculate. 10 BY MR. AINSWORTH: 11 Q Oh, I'm not asking you to speculate, sir. 12 I'm asking what you would do, based on your 13 training and experience, okay? And I'm asking 14 you, based on your training and experience, if you 15 received the information documented in Exhibit 16 No. 6 that I've just pointed to you, would you 17 follow up with the suspects and ask them why they 18 were providing those particular lies? 19 MR. GRILL: Same objection; still calls 20 for speculation. It's an incomplete hypothetical, 21 form, and foundation. 22 MR. ADELMAN: Join. 23 MS. MEADOR: Join. 24</p>

Transcript of Thomas Kelly

32 (125 to 128)

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	125		127
1 BY THE WITNESS:		1 objection.	
2 A Sir, I could give you the same answer if		2 MR. ADELMAN: And I'll join that as well.	
3 you want me to repeat it.		3 BY MR. AINSWORTH:	
4 BY MR. AINSWORTH:		4 Q Can you answer the question, sir?	
5 Q No. What I'm looking for, sir, is -- is		5 MR. GRILL: Do you remember the question?	
6 what you would do as an experienced police		6 BY THE WITNESS:	
7 detective?		7 A I don't remember the question, sir.	
8 MR. GRILL: Still calls for speculation,		8 BY MR. AINSWORTH:	
9 and it's an incomplete hypothetical, form, and		9 Q All right. So my question was that	
10 foundation.		10 when -- earlier in this deposition you told me	
11 MR. AINSWORTH: And there's --		11 that you were on the second floor talking to	
12 MS. MEADOR: Join.		12 Nevest Coleman in the open area of 51st and	
13 MR. ADELMAN: Join.		13 Wentworth when you had no recollection of actually	
14 MR. AINSWORTH: There's nothing improper		14 speaking to Nevest Coleman, right?	
15 by asking the question during discovery.		15 MR. GRILL: Objection; mischaracterizes	
16 MR. GRILL: I'm not saying there's		16 his testimony.	
17 anything improper -- well, I'm -- let me take that		17 MS. MEADOR: Join.	
18 back.		18 BY MR. AINSWORTH:	
19 I'm not saying you can't ask the question.		19 Q Can you answer the question, sir?	
20 I'm saying that your question is -- calls him,		20 A Did I tell you that before? Yes, I did.	
21 regardless, to speculate, and it's an incomplete		21 Q All right. And so I'm simply asking what	
22 hypothetical. You know he wasn't -- well, I won't		22 was your practice, sir, if witnesses told you --	
23 speak. That's my objection. You can keep going		23 or strike that.	
24 around.		24 If two suspects in a criminal	
	126		128
1 BY MR. AINSWORTH:		1 investigation told you inconsistent versions of	
2 Q You can answer it, sir.		2 events, would you follow up with each to find out	
3 A Sir, it's a hypothetical situation, and I		3 which one was true and which one was false or if	
4 do not want to speculate on it.		4 both were false?	
5 Q Why, sir? Why?		5 A Again, sir, it's a hypothetical.	
6 A Because I don't speculate, sir.		6 Q And so what?	
7 Q Well, sir, earlier today you told me,		7 MR. GRILL: Objection; form.	
8 under oath, in response to one of my questions,		8 BY MR. AINSWORTH:	
9 that you talked to Nevest Coleman in the open area		9 Q What would you do, as a -- as a 22-year	
10 on the second floor of 51st and Wentworth. Do you		10 experienced violent crimes detective?	
11 recall the answer to that question?		11 A Sir, it's a hypothetical, and I don't care	
12 A Yes, I do.		12 to speculate on it.	
13 Q All right. Not having any recollection of		13 Q Well, why not, sir?	
14 meeting Nevest Coleman or knowing where he was,		14 MR. GRILL: Objection; argumentative.	
15 you speculated, based on the contents of your GPR,		15 MR. ADELMAN: Join.	
16 that you spoke to him in the open area on the		16 BY MR. AINSWORTH:	
17 second floor of 51st and Wentworth, correct?		17 Q Why don't you care to speculate?	
18 MR. GRILL: Object --		18 A I don't like to --	
19 MS. MEADOR: Objection; mischaracterizes		19 MR. GRILL: Same objection --	
20 the witness's testimony.		20 MS. MEADOR: I'm going to --	
21 MR. ADELMAN: Join --		21 MR. GRILL: -- argumentative. Go ahead.	
22 MR. GRILL: Go ahead.		22 MS. MEADOR: I'm just going to object that	
23 (Reporter clarification.)		23 he answered your question, Russell.	
24 MR. GRILL: I'm just going to join that		24 MR. AINSWORTH: Do not -- do not make	

Transcript of Thomas Kelly

33 (129 to 132)

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	129	131
1 those objections, Lisa. Thank you very much.	1 know exactly what answers have been provided and	
2 BY MR. AINSWORTH:	2 what questions have been asked. And I know	
3 Q What --	3 there's no answer to this question, so --	
4 MS. MEADOR: My objection is asked and	4 MS. MEADOR: He -- he just answered you.	
5 answered. It's a proper objection, Russell. You	5 Miss Court Reporter, can you please read	
6 just don't like his answer.	6 back the witness's last answer.	
7 MR. AINSWORTH: No.	7 MR. AINSWORTH: Yes, let's.	
8 BY MR. AINSWORTH:	8 MR. GRILL: Question and answer, actually.	
9 Q Why don't you like to speculate,	9 (Record read as requested.)	
10 Mr. Kelly?	10 MR. AINSWORTH: Right, in response to my	
11 MS. MEADOR: Asked and answered.	11 question: Why don't you want to speculate?	
12 MR. GRILL: Join.	12 BY MR. AINSWORTH:	
13 BY MR. AINSWORTH:	13 Q So the question, sir, is why don't you	
14 Q You can answer, sir.	14 want to speculate?	
15 MR. GRILL: What's the question?	15 MR. GRILL: Asked and answered.	
16 BY MR. AINSWORTH:	16 MS. MEADOR: Join.	
17 Q Why don't you like to speculate, sir?	17 BY THE WITNESS:	
18 MS. MEADOR: Same objection.	18 A It's a hypothetical situation, sir, and I	
19 MR. GRILL: Oh, well, that's -- that's	19 don't care to speculate on a hypothetical	
20 asked and answered -- form. It's asked and	20 situation.	
21 answered, Russell. He's -- he's told you why.	21 BY MR. AINSWORTH:	
22 MR. AINSWORTH: Do not -- no speaking	22 Q Why don't you care to speculate?	
23 objections. Thank you.	23 MR. GRILL: Asked and answered. That's	
24 MR. GRILL: I didn't say anything. I'm	24 literally the exact same question.	
	130	132
1 just saying he told you why. I'm not repeating	1 MR. AINSWORTH: I know --	
2 what he said.	2 MS. MEADOR: Join.	
3 MR. AINSWORTH: Mr. Grill.	3 MR. AINSWORTH: -- I'm not getting a	
4 BY MR. AINSWORTH:	4 responsive answer --	
5 Q What's the answer, sir?	5 MR. GRILL: He's told you --	
6 A Are you speaking to me or Mr. Grill, sir?	6 MR. AINSWORTH: -- and I have a record.	
7 Q To you, sir. To Mr. Kelly.	7 MR. GRILL: He's told you because he -- he	
8 MR. GRILL: Same objection.	8 says he doesn't want to speculate because it's a	
9 BY THE WITNESS:	9 hypothetical.	
10 A It's a hypothetical, and I don't care to	10 BY MR. AINSWORTH:	
11 speculate on hypotheticals.	11 Q Why does --	
12 BY MR. AINSWORTH:	12 MR. GRILL: He said it like three times	
13 Q No, my question is: Why don't you care to	13 now.	
14 speculate?	14 MR. CURRAN: If I could interject, I'm	
15 MR. GRILL: Asked and answered.	15 pretty sure the -- the rules require a deponent to	
16 MS. MEADOR: Objection; asked and	16 not be evasive in their answers, and I don't	
17 answered. He just answered you. Stop --	17 believe the deponent has substantively answered	
18 MR. AINSWORTH: No, he --	18 the question.	
19 MS. MEADOR: -- move on.	19 We could -- if you prefer, we could	
20 MR. AINSWORTH: Do not take that tone with	20 certify the question, file a motion, and come back	
21 me, Miss Meador --	21 and have the deponent answer it, or he could just	
22 MS. MEADOR: Move on.	22 answer the question.	
23 MR. AINSWORTH: -- I mean -- that's	23 MR. GRILL: You can file a motion on it if	
24 totally inappropriate, and I have a record. I	24 you want. I think --	

Transcript of Thomas Kelly

34 (133 to 136)

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	133		135
1	MR. CURRAN: So that would be your	1	MR. CURRAN: So my point is this is just
2	preference, to come back?	2	really superfluous. Nobody has threatened the
3	MR. GRILL: No, it would not -- no, I'm	3	character of the deponent. That's absurd.
4	not at all agreeing that I'd bring him back, if --	4	The issue here is a proper question has
5	if that's the only question you're certifying, and	5	been asked, and no substantive answer has been
6	you really want to file a motion on that, I mean,	6	given --
7	when he's answered it. I don't think that --	7	MR. GRILL: But --
8	MR. CURRAN: I disagree with the	8	MR. CURRAN: -- that's my position, at
9	premise --	9	least.
10	MR. GRILL: -- I think that the question,	10	MR. GRILL: -- the -- guys, the point of a
11	frankly, is -- it calls for speculation. It's not	11	deposition here -- and I think everybody would
12	a proper question. Now he's answered it three,	12	agree with this -- is to ask questions and then
13	four times.	13	have the witness give truthful answers. Asking
14	MR. CURRAN: You don't think spec- -- a	14	somebody to speculate doesn't --
15	question which asks for speculation is proper in a	15	MR. AINSWORTH: Mr. Grill --
16	deposition?	16	MR. GRILL: -- satisfy that.
17	MR. GRILL: I'm saying that -- I think	17	MR. AINSWORTH: Mr. Grill, I -- what are
18	that it -- it creates an admissibility issue when	18	you doing? What are you -- like, what are you
19	you're asking him to speculate. I don't think	19	doing?
20	that his answer is improper. I don't think it's	20	MR. GRILL: What are you doing?
21	evasive. I think he's answered it.	21	MR. AINSWORTH: Just knock it off.
22	And I think the reality here is that	22	MS. MEADOR: Knock what off?
23	Russell and, I guess, you as well, Nick, just	23	MR. AINSWORTH: You can't do that.
24	don't like the answer.	24	MR. GRILL: Do what, Russell?
	134		136
1	MR. CURRAN: No, the -- the problem is	1	MR. AINSWORTH: You can't start coaching a
2	when the deponent does not actually answer the	2	witness. You can't start telling, you know --
3	question.	3	MR. GRILL: Oh, so you guys --
4	MS. MEADOR: Our position is he's answered	4	MR. AINSWORTH: It's a perfectly --
5	the question, and you can't require him to	5	MR. GRILL: -- are the only ones
6	speculate. He has said he's not going to	6	allowed --
7	speculate because it's a hypothetical. That's his	7	MR. AINSWORTH: -- acceptable --
8	answer. You can't require him to do so. Move on.	8	(Simultaneous crosswalk. Reporter
9	MR. AINSWORTH: We can ask him why. It's	9	clarification.)
10	a perfectly acceptable question. I don't know why	10	MR. GRILL: Rules, apparently, only apply,
11	you're getting so upset.	11	in Russell's point of view, to one side here, so
12	MS. MEADOR: But he's already answered it.	12	you guys can talk, but we're not allowed to say
13	MR. AINSWORTH: He's clear he hasn't --	13	anything back. My bad.
14	(Simultaneous crosstalk. Zoom audio	14	MR. AINSWORTH: Thank you.
15	malfunction.)	15	BY MR. AINSWORTH:
16	MS. MEADOR: You guys are the one like	16	Q All right. Mr. Kelly, why don't you want
17	starting to threaten the -- the witness's	17	to speculate? Why don't you want to answer a
18	character and filing motions.	18	hypothetical?
19	MR. CURRAN: I --	19	MR. GRILL: Same objections.
20	MR. AINSWORTH: Well, I --	20	BY THE WITNESS:
21	MR. CURRAN: I -- I think the record	21	A Because I don't speculate on hypothetical
22	will very clearly show we didn't threaten the	22	situations.
23	deponent --	23	BY MR. AINSWORTH:
24	(Reporter clarification.)	24	Q Is that a personal preference? Is that

Transcript of Thomas Kelly

35 (137 to 140)

Conducted on July 14, 2020

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1 a -- something you were trained to do? Is that
 2 coming from a religious background? Why is it
 3 that you don't care to speculate?

4 MS. MEADOR: Objection; form.

5 MR. GRILL: Objection.

6 You can answer, if you can.

7 BY THE WITNESS:

8 **A It's a hypothetical situation, and I don't
9 care to speculate.**

10 BY MR. AINSWORTH:

11 Q Did you ever sit for the sergeant's exam?

12 **A Yes, I did.**

13 Q How many times?

14 **A Once.**

15 Q All right. On the detective's exam, were
 16 scenarios posed to you where you were asked to
 17 then respond based on what you would do as a
 18 detective?

19 **A I have no idea, no recollection.**

20 Q Okay. Are you saying, sir, that you would
 21 have no problem if a detective did not follow up
 22 on the fact that two suspects in the same murder
 23 investigations are both providing the exact same
 24 lie during their interrogations?

1 **A It's a hypothetical situation, and I'm not
2 going to speculate on it.**

3 Q Sir, so -- where were police files kept in
 4 1994 at Area 1?

5 **A In the sergeant's office.**

6 Q Could anyone access those files, or how
 7 would you get access to a file in the sergeant's
 8 office, I should say?

9 **A My particular -- I would tell the sergeant
10 I'm taking out the Jones file to look at it.**

11 Q Would you have to sign a card?

12 **A I don't recall, sir.**

13 Q Do you recall there being green -- green
 14 cards in the file that you would have to sign to
 15 check out a file?

16 **A I don't recall.**

17 Q Did you -- did you sometimes call felony
 18 review to have them come to the station to review
 19 a case?

20 **A Yes.**

21 Q How would you go about that?

22 **A Dial the number at 26th and California.**

23 **They had a -- I would refer to them as a
24 dispatcher, and you would ask someone to either**

1 **come in or call you in the -- wherever you
2 happened to be.**

3 Q All right. And when felony review arrived
 4 on a case that you were working on, would you
 5 speak with the felony review assistant State's
 6 attorney to fill them in on what was going on?

7 **A Yes.**

8 Q Would you show them paperwork?

9 **A Yes.**

10 Q Would you show them whatever paperwork you
 11 had on the case at that point in time?

12 **A Yes.**

13 Q Would you sometimes sit in on statements
 14 that were obtained from suspects by the assistant
 15 State's attorney?

16 **A Yes.**

17 Q And would you -- what would happen to that
 18 statement that was written up by the assistant
 19 State's attorney and signed by the suspect and by
 20 the -- and yourself as a witness?

21 **A I don't --**

22 MS. MEADOR: Objection; form.

23 BY THE WITNESS:

24 **A -- recall.**

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1 **BY MR. AINSWORTH:**

2 Q Would you make sure that that confession
 3 was part of the official file maintained by the
 4 police department?

5 **A Yes.**

6 Q And how would you -- how would you make
 7 sure that the statement that's signed -- or the
 8 confession that's signed by the suspect, and by
 9 the assistant State's attorney and yourself, would
 10 be made part of the official police file?

11 **A It would have been left in the sergeant's
12 in basket.**

13 Q And that would be the original statement
 14 to ensure its authenticity; is that right?

15 MR. GRILL: Objection; form, foundation.

16 MR. ADELMAN: Join.

17 BY MR. AINSWORTH:

18 Q You can answer, sir.

19 **A I don't recall.**

20 Q Did you ever see a -- did you ever know
 21 assistant State's attorneys to maintain their own
 22 files regarding a homicide that you were working?

23 MR. GRILL: Objection; foundation.

24 MR. ADELMAN: Join.

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36 (141 to 144)

Conducted on July 14, 2020

<p>141</p> <p>1 BY THE WITNESS:</p> <p>2 A If they had a felony review folder.</p> <p>3 BY MR. AINSWORTH:</p> <p>4 Q And that would -- that they would use to 5 take notes on, correct?</p> <p>6 A I don't know what they did with it.</p> <p>7 Q Did you ever know assistant State's 8 attorneys to take copies of police reports?</p> <p>9 A I don't know, sir.</p> <p>10 Q Did you ever know felony review assistant 11 State's attorneys to take copies or the originals 12 of statements by suspects?</p> <p>13 A I don't recall, sir.</p> <p>14 Q The Exhibit No. 3 that I showed you 15 previously, the statement by Nevest Coleman on the 16 GPR that you created, did Nevest Coleman say 17 anything to you other than what's -- what appears 18 in that document?</p> <p>19 A No.</p> <p>20 Q I'll show it to you again.</p> <p>21 Was he cooperative?</p> <p>22 A I don't recall.</p> <p>23 Q If he was uncooperative, would you have 24 noted that?</p>	<p>143</p> <p>1 A Again, it's hypothetical.</p> <p>2 Q So I'm not asking about a hypothetical. 3 I'm asking about experiences that you've had in 4 your career where witnesses refuse to answer 5 questions. That's happened to you before, right?</p> <p>6 A I don't recall, sir.</p> <p>7 Q All right. So in your career as a Chicago 8 police officer, you've never had it happen where 9 somebody answered some questions but then refused 10 to tell you where their boyfriend was or what they 11 did earlier that day; is that what you're saying?</p> <p>12 A I don't recall.</p> <p>13 Q And -- and you don't have any -- as you 14 told us before, you don't have any problem with 15 your memory, right?</p> <p>16 A That's correct.</p> <p>17 Q All right. Have you ever seen a fellow 18 Chicago police officer violate any of the rules or 19 regulations of the Chicago Police Department?</p> <p>20 A Not to my knowledge, no, sir.</p> <p>21 Q You've never observed another Chicago 22 police officer violate the rules or regulations; 23 is that right?</p> <p>24 A Not to my knowledge, no, sir.</p>
<p>142</p> <p>1 A I don't know.</p> <p>2 Q Well, for example, if Nevest Coleman had 3 refused to answer a question, would you have noted 4 what question he had refused to answer? Like 5 wouldn't tell me, you know, what he did after 6 finding the body or something like that?</p> <p>7 A I don't know, sir.</p> <p>8 Q Well, wouldn't you want to know if a 9 witness was refusing to answer questions in a 10 homicide investigation?</p> <p>11 A I don't know.</p> <p>12 Q You don't know if you would -- well, going 13 back to what we were talking about previously in 14 this deposition, sometimes when witnesses don't 15 want to provide information, it could be for a 16 benign reason of fear or they're having a bad day; 17 but sometimes it could be indicative that they're 18 trying to cover up, you know, their viability in a 19 crime, right?</p> <p>20 A I don't know, sir.</p> <p>21 Q What don't you know? You don't know -- 22 you don't know that there -- there might be 23 different explanations for why somebody would 24 refuse to answer a question?</p>	<p>144</p> <p>1 Q How many times have you been disciplined 2 by the Chicago Police Department?</p> <p>3 A I don't recall, sir.</p> <p>4 Q Well, how many times have you been 5 suspended?</p> <p>6 A I don't recall, sir.</p> <p>7 Q You think you -- do you think you'd 8 remember how many times you've been suspended?</p> <p>9 MS. MEADOR: Objection; form.</p> <p>10 MR. GRILL: Join.</p> <p>11 BY THE WITNESS:</p> <p>12 A Sir, can I take a break?</p> <p>13 BY MR. AINSWORTH:</p> <p>14 Q Sure. Just answer the question.</p> <p>15 A Can you repeat it again, please.</p> <p>16 Q Yeah. I believe the question was how 17 many -- do you think you -- I think it was do you 18 think you would remember how many times you've 19 been suspended?</p> <p>20 A I remember one in particular, but I think 21 that there was another one possibly.</p> <p>22 MR. AINSWORTH: All right. Let's take a 23 break.</p> <p>24 MR. GRILL: How long? Five minutes?</p>

Transcript of Thomas Kelly

37 (145 to 148)

Conducted on July 14, 2020

145	147
1 MR. AINSWORTH: Whatever the witness would 2 like.	1 MR. GRILL: Objection to form -- 2 MS. MEADOR: Objection; form.
3 MR. GRILL: Five minutes. 4 (Short recess.)	3 MR. GRILL: -- foundation. 4 MS. MEADOR: Join.
5 MR. AINSWORTH: Let's go back on the 6 record.	5 BY THE WITNESS:
7 BY MR. AINSWORTH:	6 A Again, you would be asking me to speculate 7 on a hypothetical.
8 Q Sir, are there any of your answers to the 9 deposition thus far that you'd like to amend or 10 correct in any way?	7 BY MR. AINSWORTH:
11 MS. MEADOR: Objection -- 12 MR. GRILL: In the whole dep?	9 Q All right. Well, I'm not asking you a 10 hypothetical, sir. I'm asking you about the two 11 GPRs and any inconsistencies between them. You 12 can't tell us which one is more likely to be true; 13 is that right?
13 MS. MEADOR: -- form.	14 MS. MEADOR: Objection; form.
14 MR. GRILL: Form.	15 MR. GRILL: Join.
15 MR. AINSWORTH: Yes. 16 (Reporter clarification.)	16 BY THE WITNESS:
17 MR. AINSWORTH: There's no answer yet. 18 BY THE WITNESS:	17 A I only can tell you what I wrote.
19 A I don't know, sir.	18 BY MR. AINSWORTH:
20 BY MR. AINSWORTH:	19 Q Right. And so I -- I take from that 20 answer -- and I just want to make sure I got it 21 right, because this is my interpretation, and I 22 want to give you the opportunity to correct me if 23 I'm wrong -- that, because you can only tell us 24 what you wrote, you can't explain away any
21 Q All right. Are you feeling okay to 22 continue with the deposition?	146
23 A Oh, obviously.	148
24 Q All right. Just let us know if you need 1 anything. 2 So I want to show you what we'll mark as 3 Exhibit No. 7. 4 (Kelly Exhibit No. 7 was marked for 5 identification.)	1 inconsistencies or discrepancies between the 2 account in Exhibit 7 versus the account that you 3 wrote down in Exhibit 3; is that right?
6 BY MR. AINSWORTH:	4 A Yes.
7 Q All right. This is Exhibit Bates numbered 8 RFC000192.	5 Q Did you know that -- did you hear about 6 Nevest Coleman or Derrell Fulton being released 7 from prison?
9 And I'm -- what I'm going to ask you to 10 do, sir, is to read over this handwritten GPR and 11 tell us if it has any -- if it refreshes any 12 recollection of your conversation with Nevest 13 Coleman on April 28, 1994.	8 A I saw on Channel -- I think it was Channel 9 7, and I can't tell you, a couple years ago 10 maybe -- that Mr. Coleman had gone back to work at 11 White Sox Park.
14 A No, it doesn't.	12 Q When you saw that news report, did you 13 realize that you had worked on that case?
15 Q Do you want me to scroll down?	14 A Absolutely no idea, no, sir.
16 A It's not my document or I didn't prepare 17 it.	15 Q Do you have any opinion as to whether 16 Nevest Coleman is guilty or innocent of the murder 17 of Antwinica Bridgeman?
18 Q I understand, sir. And, I guess, my 19 question is if there are any inconsistencies 20 between the version that's written on this page 21 and the version that Nevest Coleman provided to 22 you, you can't say anything one way or the other 23 about which is more likely to be true; is that 24 right?	18 A No, sir.
	19 Q Do you have any opinion as to whether 20 Derrell Fulton is guilty or innocent of the 21 Antwinica Bridgeman murder?
	22 A No, sir.
	23 Q Do you have any opinion as to whether 24 Eddie Taylor's guilty or innocent of the Antwinica

Transcript of Thomas Kelly

38 (149 to 152)

Conducted on July 14, 2020

	149		151
1	Bridgeman murder?	1	allegations against you based on -- yeah, and then
2	A No, sir.	2	also a sustained violation of Rule 2, which -- of
3	Q Were you ever contacted by the State's	3	any action or conduct which impedes the
4	attorneys who were conducting a reinvestigation	4	department's effort to achieve its policy and
5	into the case?	5	goals or brings discredit upon the department.
6	A No, sir.	6	A These may have been sustained. Do you
7	Q You were suspended for 30 days back in the	7	have a date on this report, sir? Do you know when
8	'70s. You thought there was another time you were	8	this was...
9	suspended; is that correct?	9	Q Yes. This is part of the -- it's bringing
10	A Probably at least two more. I'm not	10	10 up -- all right. This is -- so, I guess -- here.
11	positive.	11	Let me stop sharing so I can take a look, and I'll
12	Q How long were the other two suspensions,	12	just tell you -- or I'll -- I'll show it to you if
13	according to your memory?	13	you'd like to see.
14	A I think they were both five days.	14	A It says '17 December 10 up in the
15	Q Do you remember a case involving Demarco	15	right-hand corner.
16	Spates?	16	Q Yes, for the -- for -- that's the updated
17	A I don't think so.	17	report, correct.
18	Q Do you remember being accused of being	18	And so based on that you think that you
19	with two other detectives, a detective Roger	19	were retired before they could suspend you or
20	Murphy and a detective Allen Szudarski, spelled	20	anything like that; is that right?
21	S-Z-U-D-A-R-S-K-I, and having a -- a gentleman in	21	A I was forced off by my age.
22	your car, one of your fellow detectives, punching	22	MS. MEADOR: Russell?
23	him, driving him around, and then dropping him	23	MR. AINSWORTH: Yes.
24	back off without creating a contact card?	24	MS. MEADOR: Just for the record for those
	150		152
1	A I'm familiar with the allegation.	1	exhibits, just identifying that they're
2	Q All right. Are you familiar with the	2	confidential records so to the extent anyone would
3	sustained allegations against you, which cont- --	3	use it for pleadings, they would be redacted from
4	which included violation of Rule 6 for	4	the video.
5	disobedience or an -- of an order or directive,	5	MR. AINSWORTH: I'm not -- they are
6	whether written or oral, and violation of Rule 14,	6	confidential, and they remain confidential, if
7	making a false report written or oral?	7	that's what you're asking.
8	A I think I may have retired by that point,	8	MS. MEADOR: Yeah. I don't know exactly
9	but I'm not positive.	9	what -- how they might be used, but, you know,
10	Q This is back in '06, so before your	10	10 obviously when exhibits are marked in a deposition
11	retirement.	11	11 that are confidential they're designated on the
12	A This is a document you put up here for me,	12	12 record as being so. So I guess, to that extent,
13	that was --	13	13 I'm just designating that those are confidential.
14	Q Oh, shoot. I'm sharing this. I'm so	14	14 Thank you.
15	sorry. I should note that for the record.	15	15 BY MR. AINSWORTH:
16	This is Exhibit 8.	16	Q All right. Did you ever talk to Murphy or
17	(Kelly Exhibit No. 8 was marked for	17	Szudarski about what punishment they received as a
18	identification.)	18	18 result of the sustained findings against them?
19	BY MR. AINSWORTH:	19	A I believe Szudarski also retired prior --
20	Q And this is a document that's -- I didn't	20	I believe prior to that.
21	realize I was displaying it to you. My apologies,	21	Murphy has been totally exonerated, to the
22	sir -- Bates numbered City 22117 and Bates stamped	22	best of my knowledge.
23	City 22118, City 22119.	23	Q Why do you believe that Murphy was totally
24	And so the -- these were sustained	24	24 exonerated from the sustained findings against

Transcript of Thomas Kelly

39 (153 to 156)

Conducted on July 14, 2020

	153		155
1	him?	1	A I recall now. My memory is refreshed.
2	A Because he told me he was.	2	Q And --
3	Q All right. When did he tell you that?	3	A No, I don't know the outcome. Pardon me.
4	A We were partners for an extended period of	4	Q You don't know that the City of Chicago
5	time. I don't know. Whatever the -- it was	5	paid \$370,000 to Mike Purnell?
6	finally adjudicated.	6	A No, sir.
7	Q Well, that was after you retired, so you	7	Q And, eventually, Mike Purnell gave a
8	weren't partners anymore, correct?	8	confession in that case, right?
9	A I was a friend of his.	9	A I believe so.
10	Q All right. Were you a witness to either	10	Q And he alleged it was coerced, correct?
11	Detective Rogers or Szudarski striking Demarco	11	A I don't know about that part of it, sir.
12	Spates?	12	Q Well, what about the part where the judge
13	A No.	13	suppressed his confession; do you know about that
14	Q Did you lie in your to-from report	14	14 part?
15	regarding your recollection of the encounter	15	A I don't recall it, no.
16	between you and your fellow detectives and Demarco	16	Q Do you recall Mike Purnell being held at
17	Spates?	17	Area 1 for 66 to 68 hours?
18	A No.	18	A No, I don't.
19	Q Specifically, did you lie in your to-from	19	Q Do you recall Mike Purnell alleging that
20	report and claim that you didn't create a contact	20	20 the air conditioning at Area 1 was uncomfortably
21	card regarding your encounter with Demarco Spates	21	21 cold while he was there in order to deprive him of
22	because you had to -- you were called to the scene	22	22 sleep?
23	23 of a shooting?	23	A No, I don't, sir.
24	A I do recall saying that, yes, sir.	24	Q Do you recall Mike Purnell alleging that
	154		156
1	Q All right. And then do you recall	1	1 he had to urinate on himself because he wasn't
2	allegations from a guy named Charles Booker who	2	2 taken to the -- allowed to use the restroom?
3	sued you?	3	A No, I don't, sir.
4	A Yes, I do.	4	Q Do you recall Mike Purnell alleging that
5	Q All right. And are those allegations true	5	5 he was deprived of food and water for over
6	that were brought against you by Charles Booker?	6	6 48 hours?
7	A Absolutely not.	7	A No, sir.
8	Q All right. Well, let me ask you, sir --	8	Q Can you describe the interrogation rooms
9	sorry. I have the wrong document in front of me.	9	9 at Area 1 for us back in 1994, what they looked
10	Well, while I'm here, I'll ask you about	10	10 like?
11	Mike Purnell. Do you remember Mike Purnell suing	11	A Purnell is 1994?
12	12 you?	12	Q No, he's 2000. I'm -- I'm switching
13	A I don't remember the name, no.	13	13 slightly to say that he's -- to ask you about what
14	Q Do you know how many times you've been	14	14 the interrogation rooms looked like back in 1994
15	sued?	15	15 at Area 1?
16	A I'm guessing five or six.	16	A They were probably eight by ten, ten by
17	Q All right. Do you know what the outcome	17	ten rectangular. I believe some had one bench,
18	18 of the lawsuits that Mike Purnell brought against	18	some had two benches, and a ring in the wall to
19	19 you and Ed Farley and Bob Lenahan and Jim Riley?	19	affix handcuffs to.
20	A I would need a little help here with who	20	Q Were the light switches on the inside of
21	he is.	21	21 the room or the outside of the room?
22	Q Sure. This is the case where there was a	22	A I don't recall.
23	shooting at -- I think it was the one at Ogden	23	Q Were they -- could a person detained in an
24	24 Park.	24	24 interrogation room reach the light switch by

Transcript of Thomas Kelly

40 (157 to 160)

Conducted on July 14, 2020

1 themselves?	157
2 A I don't know.	159
3 Q Were you required by department regulation	1
4 in 1994 to handcuff a suspect inside the	2
5 interrogation room when you were not interacting	3
6 with that suspect?	4
7 A Yes, sir.	5
8 Q And would you follow that practice when	6
9 you were not interacting with a suspect to keep	7
10 the person handcuffed within the interrogation	8
11 room?	9
12 A Yes, sir.	10
13 Q And then take the handcuffs off when you	11
14 were interacting with them; is that right?	12
15 A Not specifically, no.	13
16 Q All right. But, in any event, that's what	14
17 the ring on the wall was for, to have a secure	15
18 place to ensure that anybody in that room wasn't	16
19 going to attack anybody who came into that room,	17
20 right?	18
21 A Or harm themselves, too, I would say, sir.	19
22 Q Or harm themselves, too, yeah.	20
23 And, to your knowledge, other detectives	21
24 in Area 1 in 1994 conformed to the same practice	22
158	23
1 of handcuffing suspects inside the interrogation	24
2 room when they were unattended; is that correct?	160
3 A I don't know.	1
4 MR. GRILL: Objection; form, foundation.	2
5 BY MR. AINSWORTH:	3
6 Q What do you mean you don't know?	4
7 MR. GRILL: Objection; form,	5
8 argumentative.	6
9 BY MR. AINSWORTH:	7
10 Q All right. Let me ask it this way: There	8
11 were times when you would go into interrogation	9
12 rooms while you were at Area 1 and there would be	10
13 a suspect there and you were not the last person	11
14 to interact with that suspect. You would expect,	12
15 when you walked into the room, that the person	13
16 would be restrained to the ring on the wall,	14
17 right?	15
18 A Yes.	16
19 Q You wouldn't have to be worried that the	17
20 person might be laying in wait for you each time	18
21 you went into the interrogation room, right?	19
22 MR. GRILL: Objection; form.	20
23 BY THE WITNESS:	21
24 A No, I wasn't worried.	22

Transcript of Thomas Kelly

41 (161 to 164)

Conducted on July 14, 2020

161	163
<p>1 Q Would you say that there -- anything 2 unique about Mr. Clancy's appearance back in 1994?</p> <p>3 A Not that I recall, no, sir.</p> <p>4 Q Do you recall anything unique about Bill 5 Foley's appearance in 1994?</p> <p>6 A No, sir.</p> <p>7 Q Can you just briefly describe for me the 8 process back in 1994 for requesting criminal 9 records of an individual?</p> <p>10 A You would -- the actual IR number may have 11 been available on a computer at that time, only 12 the IR number, if there was one.</p> <p>13 After you obtained the IR number, you had 14 to fill out a form, put the person's name on 15 there, the IR number. You had to sign the form.</p> <p>16 Then the form was faxed, the 17 identification section. Then sometime after they 18 received the fax, the fax would be sent back to 19 Area 1 or whatever area it was.</p> <p>20 Q And just is so the record is clear, what 21 is an IR number?</p> <p>22 A Investigative record.</p> <p>23 Q And how would a person be assigned an IR 24 number, if you know?</p>	<p>1 the course of --</p> <p>2 A Quite a few times. Yes, sir.</p> <p>3 Q Do you recall if any of the attorneys in 4 felony review maintained a briefcase at the area?</p> <p>5 MR. GRILL: Objection; foundation or form.</p> <p>6 MR. ADELMAN: Join.</p> <p>7 BY THE WITNESS:</p> <p>8 A I don't know, sir.</p> <p>9 BY MR. CURRAN:</p> <p>10 Q Do you have any recollection of any of the 11 attorneys in felony review -- a place where they 12 could keep records at the area?</p> <p>13 MR. GRILL: Objection; form.</p> <p>14 BY THE WITNESS:</p> <p>15 A I don't recall, sir.</p> <p>16 BY MR. CURRAN:</p> <p>17 Q Do you have any recollection of what gang 18 activity, if any, there was at 917 West Garfield 19 back in April of 1994?</p> <p>20 A I have no idea. No, sir.</p> <p>21 Q Were you ever contacted by the conviction 22 integrity unit concerning Derrell Fulton?</p> <p>23 A No, sir.</p> <p>24 Q Same question as to Nevest Coleman?</p>
162	164
<p>1 A You would have to be fingerprinted, to the 2 best of my knowledge.</p> <p>3 Q Back in April of 1994, was there a typical 4 turnaround time for receiving the return fax with 5 an individual's criminal history?</p> <p>6 A No, sir.</p> <p>7 Q Would the records that you requested, 8 related to an individual's criminal history, 9 include their criminal history as a juvenile?</p> <p>10 A No, sir.</p> <p>11 Q Did you, back in April of 1994, have the 12 ability to obtain a juvenile criminal history?</p> <p>13 A I don't recall.</p> <p>14 Q I think the answer to this question is 15 probably obvious, so then you do not recall the 16 procedure, or if there was a procedure, whereby 17 you could obtain those records?</p> <p>18 A That's correct.</p> <p>19 Q Over the course of your career, how many 20 times would you approximate you met with assistant 21 State's attorneys working in felony review?</p> <p>22 A At least 50, but I -- I know it's more. I 23 don't want to throw out some other number.</p> <p>24 Q So quite a few times, is that fair, over</p>	<p>1 A Same answer, sir.</p> <p>2 Q Okay. Have you ever been interviewed by 3 the conviction integrity unit related to any other 4 case that you've worked on?</p> <p>5 A To the best of my recollection, no.</p> <p>6 Q Do you have e-mail addresses for any of 7 the other named defendants in this lawsuit?</p> <p>8 A No, I don't.</p> <p>9 Q Do you have phone numbers for any of the 10 other named defendants in this lawsuit?</p> <p>11 A I might have Al Graf's.</p> <p>12 Q To your knowledge, do you have the phone 13 numbers of any of the other named defendants in 14 this lawsuit?</p> <p>15 A I think I have Al Graf's.</p> <p>16 Q And that's the only one?</p> <p>17 A Yes, sir.</p> <p>18 Q Have you ever sent any text messages to Al 19 Graf concerning this case?</p> <p>20 A I've never sent a text message in my life, 21 sir.</p> <p>22 Q Okay. Have you ever been interviewed by 23 the FBI concerning claims of abuse at Area 1?</p> <p>24 A No, sir.</p>

Transcript of Thomas Kelly

43 (169 to 172)

Conducted on July 14, 2020

	169		171
1	MR. AINSWORTH: Sure.	1	1 talked to him, an outcry witness to a crime.
2	MR. GRILL: Okay. Thanks.	2	Q Well, what I'm -- what I'm asking for is
3	EXAMINATION	3	like did you just go up to him and speak to him
4	BY MR. GRILL:	4	yourself or did -- or was there some other
5	Q All right. Detective Kelly, you've seen	5	reason -- like on your own, or was there some
6	Exhibit 1 earlier today, and you were asked a	6	other reason you were talking to him?
7	bunch of questions about it.	7	A No, I would have been either directed to
8	As you can see at the top, this training	8	speak to him or asked by someone to speak to him,
9	record is about 11 pages long, correct?	9	Mr. Coleman.
10	A I can't tell from this end. I believe --	10	Q And when you spoke to him, do you recall
11	MR. GRILL: Russ, do you want to --	11	how long your conversation with Mr. Coleman was?
12	BY MR. GRILL:	12	A I would say five minutes at the most.
13	Q Do you see where Russell's --	13	Q Why do you say that?
14	A Oh, I see it. I see it. Yes, sir.	14	A It's a very short interview. It's about
15	Q Okay. And sitting here today, do you --	15	two-thirds to three-quarters of a page.
16	you know, you've gone through this document	16	Q So you're saying it's short because of the
17	earlier today during Mr. Ainsworth's examination.	17	length of the GPR itself?
18	Do you -- sitting here today, do you	18	A Yes, sir.
19	recall each one of these, you know, training, you	19	Q And when you spoke to Mr. Coleman, do you
20	know, events that are catalogued on this 11-page	20	have a recollection of where you would have been
21	document?	21	at Area 1 when you had this conversation with him?
22	A No, sir, I don't.	22	A In the large, open area.
23	Q All right. And, in light of that, can	23	Q Do you know what floor that would have
24	you -- sitting here today, can you say whether	24	been on?
	170		172
1	this document is, indeed, complete or accurate?	1	A Second floor.
2	A No, I can't.	2	Q And why would you say that you would have
3	MR. AINSWORTH: Objection; leading.	3	been in the large, open area on the second floor?
4	MR. CURRAN: Also asked and answered.	4	A That's where the detective division
5	MR. GRILL: Okay. Russell, can you bring	5	offices are. That's where interviews were
6	up the GPR that Detective Kelly authored,	6	conducted.
7	whichever exhibit that is.	7	Q How can you be sure you weren't in a
8	MR. AINSWORTH: Sure. It's Exhibit 3.	8	interrogation room?
9	MR. GRILL: Thanks. If you want to just	9	A Mr. Coleman was not under arrest. There
10	like scan down a little bit so we have kind of the	10	would be no point or purpose to put him in an
11	body of it.	11	interrogation room.
12	MR. AINSWORTH: Yes.	12	Q Do you recall if Mr. Coleman was
13	MR. GRILL: Thanks.	13	handcuffed when you spoke to him?
14	BY MR. GRILL:	14	A He was not handcuffed.
15	Q All right. Can you see it on your --	15	Q How do you know that?
16	A Yeah, I see it. Thank you.	16	A Because he would have been in an
17	Q All right. So, Detective Kelly, when you	17	interrogation room, and I would have advised him
18	wrote this GPR -- well, what I want to do is ask	18	of his rights prior to talking to him.
19	you some questions about how this GPR came about.	19	Q Would you have documented that in the GPR?
20	Do you -- sitting here today, do you	20	A Yes, sir.
21	recall how it was that you were speaking to	21	Q When you speak with a -- an individual
22	Mr. Coleman -- why it was that were you speaking	22	during a criminal investigation and that person is
23	to Mr. Coleman in April of 1994 at Area 1?	23	in handcuffs, do you typically make a note of that
24	A Mr. Coleman was, what I believed when I	24	or no?

Transcript of Thomas Kelly

44 (173 to 176)

Conducted on July 14, 2020

	173		175
1 A No.		1 Q And when you were done writing this GPR,	
2 MR. CURRAN: Objection; calls for		2 did you do anything else to verify with	
3 speculation.		3 Mr. Coleman, specifically, that you had	
4 MR. GRILL: Okay.		4 actually -- what you had written down was	
5 BY MR. GRILL:		5 accurate?	
6 Q In this case -- you were asked -- well,		6 A No, I did not.	
7 here I'll just ask it this way: If Coleman, when		7 Q Did you give Mr. Coleman an opportunity to	
8 you spoke with him, had refused to answer any of		8 read your GPR after you got done writing this GPR	
9 the questions that you were posing to him, would		9 out?	
10 you have documented that?		10 A My normal practice was, at the conclusion	
11 A Yes, I would have.		11 of the GPR, I would read whatever I had written	
12 MR. CURRAN: Objection; calls for		12 down and ask, in this case, Mr. Coleman, if there	
13 speculation.		13 was anything he wanted to add or if this was --	
14 MR. AINSWORTH: Join.		14 Q Oh, okay.	
15 BY MR. GRILL:		15 A -- a summary of what he had told me.	
16 Q How do you know that you would have		16 Q And your practice would have been to read	
17 documented it?		17 the GPR back to Mr. Coleman?	
18 A That is my practice. I would have put		18 A Correct.	
19 refused to be interviewed on the GPR. That would		19 Q For the purposes of ensuring that what you	
20 have been the end of the GPR.		20 wrote down was correct and if he had anything to	
21 Q Do you -- did you write anything like that		21 add?	
22 in Exhibit 3?		22 A Yes, sir.	
23 A No, sir.		23 Q Okay. Do you believe that's what you did	
24 Q Okay. So in addition to writing this		24 in this case?	
	174		176
1 GPR -- or strike that question.		1 A I did it all the time, yes, sir. I do	
2 When you got done writing this GPR, did		2 believe that.	
3 you -- what did you do with the GPR?		3 Q Okay. You've been shown, during your	
4 MR. CURRAN: Objection; foundation.		4 deposition today, a number of supplemental	
5 BY THE WITNESS:		5 reports. In fact, you read one that was over ten	
6 A My practice or common practice was to give		6 pages long today; do you remember that?	
7 it to a sergeant.		7 A Yes, sir.	
8 BY MR. GRILL:		8 Q Did you have any role, or did you	
9 Q Okay. And what was your practice at this		9 participate, in drafting any of the supplemental	
10 time in 1994, in April of 1994, when you're		10 reports in this homicide investigation?	
11 conducting a witness interview, in this case since		11 A No, sir.	
12 you described him an outcry witness interview,		12 Q It's my understanding that the only other	
13 when, relative to the interview, would you have		13 thing that you did, in addition to talking to	
14 written the GPR?		14 Mr. Coleman for those five minutes and writing	
15 A This GPR was written as I interviewed him.		15 that GPR, was to submit the requests for the	
16 I asked him what happened, he started to tell me,		16 criminal histories, correct?	
17 and I would write along.		17 A Yes, sir.	
18 Q Okay. And -- so, basically, what I		18 Q To your recollection, and based on the	
19 understand you to be describing is you writing		19 evidence and documents that you reviewed here, in	
20 this particular GPR that's Exhibit 3		20 preparation for this deposition and during your	
21 contemporaneously, that is, at the same time, that		21 deposition, is there any other role or activity	
22 Mr. Coleman is talking to you; do I have that		22 that you did in relation to the Antwinica	
23 right?		23 Bridgeman homicide investigation?	
24 A Yes, you do, sir.		24 A No, sir.	

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45 (177 to 180)

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	177		179
1	MR. GRILL: All right. I've got nothing	1	A That's also correct, sir.
2	else, if anybody else has questions.	2	MR. ADELMAN: Okay. All right. I have
3	MR. ADELMAN: Yeah, I do.	3	nothing further.
4	(Zoom audio malfunction.)	4	FURTHER EXAMINATION
5	MR. ADELMAN: I'm sorry?	5	BY MR. AINSWORTH:
6	MS. MEADOR: I just said no questions for	6	Q Sir, given that you don't recall your
7	the City.	7	conversation with Nevest Coleman, you can't tell
8	MR. ADELMAN: Oh, okay.	8	us definitively whether you read the GPR to him at
9	EXAMINATION	9	the end of your conversation; is that correct?
10	BY MR. ADELMAN:	10	A I can only tell you what my common
11	Q Let's see. Detective Kelly, my name is	11	practice was, what I did all the time.
12	David Adelman. I'm an assistant State's attorney.	12	Q So what you actually did you would be
13	You had mentioned before that you had	13	speculating as to it, right?
14	heard the name of assistant State's attorney Hal	14	MR. GRILL: Objection; form.
15	Garfinkel. Do you recall saying that?	15	BY THE WITNESS:
16	A Yes, sir, I do.	16	A Well, I'd be responding to a hypothetical
17	Q Okay. And, let's see, did you know -- you	17	to you, once again, I believe, and I'd have to
18	said you recalled hearing the name, but do you	18	speculate on that.
19	actually remember him?	19	BY MR. AINSWORTH:
20	A I don't -- if you showed me a picture of	20	Q All right. So you're not going to tell us
21	him, I wouldn't recognize him. Could we leave --	21	what you actually did during your conversation
22	Q Okay.	22	23 with Nevest Coleman. Whether you took notes
23	A -- it at that? I'm sure I had cases with	23	contemporaneously or whether you read the GPR back
24	him. It's kind of an unusual name, I think.	24	24 to him at the end, you don't know one way or the
	178		180
1	Q Do you know -- do you know, either in --	1	other what you actually did, right?
2	in 1994 were you aware that Nevest Coleman and	2	A I know I did contem- --
3	Derrell Fulton each gave statements to ASA	3	MS. MEADOR: Objection to form.
4	Garfinkel?	4	BY THE WITNESS:
5	A No, I wasn't.	5	A -- contemporane- --
6	Q Okay. Are you aware of that now?	6	MR. GRILL: Thank you. I was -- just give
7	A I believe I am.	7	us a second.
8	Q And were you -- and you weren't present --	8	Objection; form, argumentative.
9	strike that.	9	Go ahead.
10	Were you present in the room when ASA	10	BY THE WITNESS:
11	Garfinkel took the statements from either Nevest	11	A I take notes contemporaneously when I
12	Coleman or Derrell Fulton?	12	interview witnesses.
13	A No, sir.	13	BY MR. AINSWORTH:
14	Q Okay. It's -- is it fair to say you	14	Q Okay. But you don't remember this
15	obviously did not hear what was said between ASA	15	conversation, right? I know -- I know your
16	Garfinkel and Nevest Coleman?	16	17 practice to do that right, and that's what you
17	A That's fair to say, yes, sir.	17	recall doing as your practice, right?
18	Q Okay. And it's -- is it fair to say that	18	A Yes, sir.
19	you did not hear what was said between Derrell	19	Q But you can't tell us whether you took
20	Fulton and ASA Garfinkel?	20	notes contemporaneously because that would require
21	A Yes, sir, that's also correct.	21	22 you to speculate as to what you actually did on
22	Q And is it fair to say that you did not	22	23 this one occasion, right?
23	observe ASA Garfinkel taking the statement --	23	A No, sir.
24	24 statements from Nevest Coleman and Derrell Fulton?	24	Q All right. So you don't know if you're

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	181		183
1	taking notes contemporaneously, correct?	1	A Yes, sir.
2	MR. GRILL: Objection; form, foundation.	2	Q And I would presume part of reason for
3	BY MR. AINSWORTH:	3	that is to memorialize the fact that the witness,
4	Q Although it was your practice to do so?	4	in fact, had the opportunity to review the
5	A Yes, sir.	5	statement; is that correct?
6	Q And you don't know if you read the GPR	6	A I don't know, sir.
7	back to Mr. Coleman after you wrote it up,	7	Q Okay. Was there a reason you did not
8	although it was your practice to do so, correct?	8	memorialize the fact that it was your practice to
9	A That's correct.	9	have a witness review a GPR, the GPR itself?
10	MR. AINSWORTH: I don't have any further	10	MR. GRILL: Objection; mischaracterizes
11	questions.	11	his testimony.
12	MR. CURRAN: Very brief follow-up on that.	12	BY MR. CURRAN:
13	FURTHER EXAMINATION	13	Q Okay. Let me back up then, sir.
14	BY MR. CURRAN:	14	Was it your practice to document that you
15	Q Sir, you did not write in your GPR that	15	allowed a witness to review a GPR?
16	you read the GPR to Mr. Coleman, correct?	16	MR. GRILL: It still mischaracterizes his
17	A No, sir.	17	testimony.
18	Q Why not?	18	MR. CURRAN: It was a question, Andrew. I
19	A It's not my practice.	19	didn't characterize his testimony.
20	Q Why wasn't it your practice?	20	BY MR. CURRAN:
21	A He was a witness at that point.	21	Q Go ahead, sir.
22	Q You've taken handwritten statements from	22	MR. GRILL: Then it's a -- then it's a
23	witnesses; is that correct?	23	form -- it's a form and foundation objection then,
24		24	Nick.
	182		184
1	(Zoom audio malfunction. Reporter	1	MR. CURRAN: I would assume he would know
2	clarification.)	2	what his practice was, so your foundation
3	BY MR. CURRAN:	3	objection is --
4	Q You've taken handwritten statements from	4	MR. GRILL: I can --
5	witness, I presume, as a detective?	5	MR. CURRAN: -- frivolous.
6	MR. GRILL: Objection; form, foundation.	6	MR. GRILL: -- I can help you if you'd
7	BY MR. CURRAN:	7	like.
8	Q Yes or no, sir?	8	MR. CURRAN: No, that's okay.
9	A No.	9	BY MR. CURRAN:
10	Q You've never, as a detective, taken a	10	Q Sir, do you understand the question?
11	handwritten statement -- or, excuse me. Strike	11	A No, sir. Try again, please.
12	that. Let me rephrase the question.	12	Q Was it your practice to document, in your
13	Have you ever been present when a	13	GPRs, that you allowed a witness to review the GPR
14	handwritten statement has been taken from a	14	in which you took notes pertaining to the
15	witness?	15	statement that they gave you?
16	A Yes, sir.	16	MR. GRILL: Same objections.
17	Q And is that in the context of an attorney	17	BY THE WITNESS:
18	from felony review taking a handwritten statement?	18	A No.
19	A Yes, sir.	19	BY MR. CURRAN:
20	Q And you recall, in those handwritten	20	Q Why not?
21	statements, there's typically an indication that	21	A Because it wasn't my practice and, to the
22	the witness was provided the opportunity to review	22	best of my knowledge, it wasn't required.
23	the statement and make changes if they desire to	23	Q Okay.
24	do so; is that correct?	24	MR. CURRAN: I don't have anything else.

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47 (185 to 188)

<p>1 MR. GRILL: I've got one question -- well, 2 assuming it doesn't lead to other stuff. 3 FURTHER EXAMINATION 4 BY MR. GRILL: 5 Q Detective Kelly, when you were at Area 1 6 in April and you were speaking with Mr. Coleman, 7 did you know what the name of the victim was at 8 the time you spoke with Mr. Coleman? 9 A No, I did not. 10 Q How do you know that? 11 MR. CURRAN: If I could insert an 12 objection: Foundation, calls for speculation, 13 given that the witness has already testified he 14 can't remember anything. 15 MR. GRILL: Thanks for the speaking 16 objection. 17 MR. CURRAN: Go ahead. 18 BY MR. GRILL: 19 Q How do you know that? 20 A At the top of the GPR, where Mr. Coleman's 21 interview is, there's a box for the victim's name 22 to be inserted. 23 Q And what's in that box in your GPR? 24 A Nothing.</p>	<p>185 1 (Off the record at 2:39 p.m.) 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p>1 MR. GRILL: I have nothing else. 2 MR. AINSWORTH: Sounds like speculation to 3 me. 4 I don't have any further questions. 5 Nothing else. 6 MR. GRILL: I don't know -- I don't know 7 how it's speculation when he's referring -- 8 referencing to an actual piece of a report, but we 9 can all argue about it later. 10 Anybody else? 11 MR. CURRAN: No. 12 MR. ADELMAN: No. 13 MS. MEADOR: No. 14 MR. ADELMAN: No, nothing else. 15 MR. GRILL: Okay. We're going to reserve 16 signature on this. And thanks. 17 And then, Russell, you'll send over the 18 copy of the video? 19 MR. AINSWORTH: Yes. 20 Anybody who wants a copy of the video, 21 just let me know, and I'll send it to everybody. 22 MR. ADELMAN: Yeah, you may as well send 23 it to everyone. 24 MR. AINSWORTH: Okay.</p>	<p>186 188 1 ACKNOWLEDGMENT OF DEPONENT 2 3 I, THOMAS KELLY, do hereby acknowledge 4 that I have read and examined the foregoing 5 testimony and the same is a true, correct, and 6 complete transcription of the testimony given by 7 me and any corrections appear on the attached 8 errata sheet signed by me. 9 10 11 12 _____ 13 (DATE) _____ (SIGNATURE) 14 15 16 17 18 19 20 21 22 23 24</p>

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48 (189 to 192)

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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2

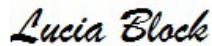
3 I, Lucia R. Block, Certified Shorthand
4 Reporter No. 084-003160, CSR, and a Notary Public
5 in and for the County of Cook, State of Illinois,
6 the officer before whom the foregoing deposition
7 was taken, do hereby certify that the foregoing
8 transcript is a true and correct record of the
9 testimony given; that said testimony was taken by
10 me and thereafter reduced to typewriting under my
11 direction; that reading and signing was requested
12 and that I am neither counsel for, related to, nor
13 employed by any of the parties to this case and
14 have no interest, financial or otherwise, in its
15 outcome.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and affixed my notarial seal this 28th day of
18 July, 2020.

19 My commission expires May 31, 2021.

20

21



22

23

LUCIA R. BLOCK

24

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